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Promotion and protection of the rights of children: promotion and protection of the rights of children

Child, early and forced marriage

Report of the Secretary-General**

Summary

The present report provides a summary of progress in efforts to eliminate child, early and forced marriages during the period from April 2014 to May 2016. It provides an overview of developments at the international and regional levels, initiatives concerning the development and enforcement of laws, the formulation of policies and action plans, the engagement of religious and traditional leaders and of men and boys in efforts to eliminate the practice, the empowerment of girls and women, awareness-raising and the implementation of protection measures and services for already married girls. The report also presents an overview of gaps in legislation and policies to address child, early and forced marriages and an assessment of progress and gaps in research on the practice. The report offers some conclusions and recommendations towards ensuring sustained and effective efforts to eliminate child, early and forced marriages.

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I. Introduction

1. The present report is submitted to the General Assembly pursuant to its resolution 69/156, in which it requested the Secretary-General to submit a comprehensive report on progress towards ending child, early and forced marriage worldwide since the issuance of the report of the Office of the High Commissioner for Human Rights (OHCHR) of 2 April 2014 (A/HRC/26/22 and Corr.1), with particular emphasis on high-prevalence countries, best practices for programmes aimed at ending the practice and supporting already married women and girls, gaps in research and implementation and legal reforms and policies related to the matter.

2. In November 2015, a request for input for the preparation of the present report was sent to Member States, United Nations bodies, agencies, funds and programmes, civil society and other relevant stakeholders. As at 30 May 2016, responses had been received from 26 States,[1] 13 civil society organizations/individuals,[2] the Commonwealth and the World Health Organization.

3. The report provides a non-exhaustive overview of some of the initiatives that have been undertaken since April 2014. To the extent that information was made available, reference to high-prevalence countries is included.[3] More information can be found in the submissions for the present report, the full text of which is available from www.ohchr.org/EN/Issues/Women/WRGS/Pages/Documentation.aspx.

II. Developments at the international and regional levels

4. During the reporting period, United Nations intergovernmental bodies maintained sustained attention to child, early and forced marriages. In addition to General Assembly resolutions 68/148 and 69/156 on child, early and forced marriage, recommendations on the subject were included in, inter alia, Assembly resolutions on the girl child, the rights of the child, trafficking in women and girls and the intensification of efforts to end obstetric fistula.[4] Country-specific resolutions of the Assembly also referred to child, early and forced marriage, for example on Afghanistan, the Democratic People's Republic of Korea and Iran (Islamic Republic of).[5] The Economic and Social Council and the Assembly referred to the harmful nature of forced marriage during the adoption of the United Nations

[1] Azerbaijan, Bahrain, Belgium, Burundi, Canada, Cameroon, Germany, Italy, Jordan, Kazakhstan, Lebanon, Mauritania, Mauritius, Oman, Peru, Portugal, Qatar, Saudi Arabia, Senegal, Serbia, Slovenia, Switzerland, Togo, Tunisia, United States of America and United Kingdom of Great Britain and Northern Ireland.

[2] American Jewish World Service, Center for Reproductive Rights, Centre for Roma Initiatives, Girls Not Brides, Save the Children, National Commission for Lebanese Women, Plan International, Rural Education and Economic Enhancement Programme Kenya, Shabina Begum, Terre des Femmes, Terre des Hommes, Sexual Rights Initiative and Women for Women's Human Rights — New Ways (joint submission).

[3] According to the United Nations Children's Fund (UNICEF), in November 2015, the 20 countries with the highest prevalence rates of child, early and forced marriage were Bangladesh, Burkina Faso, the Central African Republic, Chad, the Dominican Republic, Eritrea, Ethiopia, Guinea, India, Malawi, Mali, Madagascar, Mozambique, Nepal, the Niger, Nigeria, Sierra Leone, Somalia, South Sudan and Zambia. See UNICEF, *The State of the World's Children 2015: Executive Summary* (New York, 2015).

[4] See General Assembly resolutions 69/148, 69/149, 69/157, 70/137 and 70/138.

[5] See General Assembly resolutions 69/188, 69/190, 70/77, 70/172 and 70/173.

Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice.[6] The Commission on the Status of Women considered the issue of child, early and forced marriage in its 2014, 2015 and 2016 agreed conclusions. In July 2015, the Human Rights Council adopted resolution 29/8 on strengthening efforts to prevent and eliminate child, early and forced marriage. The Council has also made specific references to child, early and forced marriage in its annual resolutions on, inter alia, accelerating efforts to eliminate all forms of violence against women and girls and the rights of the child: access to justice for children[7] and in country-specific resolutions, for example on Eritrea and Yemen.[8] Moreover, child, early and forced marriage was included as a target in the Sustainable Development Goals under Goal 5, Achieve gender equality and empower all women and girls.[9]

5. United Nations human rights mechanisms have continued to analyse and provide authoritative guidance on child, early and forced marriage and to make recommendations to States on how to meet their related human rights obligations. In December 2014, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child adopted a joint general recommendation/general comment on harmful practices,[10] which reaffirms child, early and forced marriage as a harmful practice deeply rooted in social attitudes according to which women and girls are regarded as inferior to men and boys on the basis of stereotyped roles. The text provides detailed guidance to States on how to meet their obligations to address harmful practices, including child, early and forced marriage, under the two Conventions. The Human Rights Committee, the Committee on the Elimination of Racial Discrimination, the Committee on Economic, Social and Cultural Rights and the Committee against Torture have also issued recommendations in their concluding observations to States parties on specific measures that States must take to address child, early and forced marriage and to ensure the rights of already married women and girls.[11] The Committee on Economic, Social and Cultural Rights, in its general comment No. 22 on the right to sexual and reproductive health (E/C.12/GC/22), stresses States' obligations to shield all individuals from harmful practices and norms and gender-based violence that deny them their full sexual and reproductive health, including child and forced marriage. General recommendation No. 32 of the Committee on the Elimination of Discrimination against Women on gender-related dimensions of refugee status, asylum, nationality and statelessness of women (CEDAW/C/GC/32) also refers to child, early and forced marriage as a gender-related form of persecution and legitimate grounds for international protection. General recommendation No. 34 of

[6] See Economic and Social Council resolution 2014/18 and General Assembly resolution 69/194.

[7] See Human Rights Council resolutions 26/15, 32/28 and 25/6.

[8] See Human Rights Council resolutions 26/24 and 27/19.

[9] The inclusion of target 5.3, Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation, reaffirms that child, early and forced marriage is a form of gender-based discrimination that disproportionately affects women and girls.

[10] Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices (CEDAW/C/GC/31-CRC/C/GC/18).

[11] See CCPR/C/MWI/CO/1/Add.1, CCPR/C/NPL/CO/2, CCPR/C/SLE/CO/1, CCPR/C/DOM/CO/5/Add.1, CCPR/C/GEO/CO/4, CCPR/C/JPN/CO/6, CCPR/C/MNE/CO/1, CCPR/C/UZB/CO/4 and CCPR/C/BDI/CO/2; CERD/C/IRQ/CO/15-21 and CERD/C/MKD/CO/8-10; E/C.12/IDN/CO/1 and E/C.12/UZB/CO/2; CAT/C/MRT/CO/1.

the Committee on the rights of rural women also details steps to be taken to prevent and prohibit child and/or forced marriage among rural women and girls.[12]

6. In his most recent thematic report (A/HRC/31/57), the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment noted that child and forced marriage was a form of gender-based violence that could constitute ill-treatment and torture. The Special Rapporteur on contemporary forms of slavery, including its causes and its consequences, has described child marriage as a form of forced marriage that places children at high risk of child servitude and other slavery-like practices and can in certain cases constitute slavery.[13] The Special Rapporteur on freedom of religion or belief, in his interim report (A/68/290), drew attention to the fact that, in a number of countries, women or girls from religious minorities run the risk of being abducted with the purpose of forcing them to convert to mainstream religion, often in connection with a forced marriage. The Special Rapporteur on violence against women, its causes and consequences, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Working Group on the issue of discrimination against women in law and in practice have also made specific references to child, early and forced marriage in country visits and in their recommendations to States.[14] The Working Group also released a report that addressed the issue of discrimination against women with regard to health and safety and discussed child, early and forced marriage in the context of harmful practices.[15] The Special Rapporteur on the right to health submitted a report on adolescents that referred to child marriage in the context of gender inequality and the enjoyment of sexual and reproductive health and rights.[16] The issue of child, early and forced marriage has also been raised in the context of the universal periodic review with recommendations focusing on the importance of raising the minimum age of marriage to 18 years, developing comprehensive action plans and carrying out awareness-raising campaigns on the issue.[17]

7. Regional organizations have also increased efforts to address child, early and forced marriage. The African Union, through its 2014 regional campaign to end child marriage, has supported national campaigns and national action plans to end the practice. In rolling out its campaign, the organization appointed a Goodwill Ambassador and, in November 2015, organized the First African Girls' Summit on Ending Child Marriage in Africa. In July 2014, the African Commission on Human and Peoples' Rights, in its resolution 292, tasked the Special Rapporteur on the Rights of Women in Africa with conducting a study on child marriages in 10 countries, including in the high-prevalence countries of Malawi, Mali and Mozambique. The African Commission on Human and Peoples' Rights and the African Committee of Experts on the Rights and Welfare of the Child are also in the process of developing a joint general comment on article 6 of the Maputo Protocol/article 21 of the African Charter on Human and Peoples' Rights with a focus on child, early and forced

[12] CEDAW/C/GC/34, paras. 5, 22, 32, 34, 42 and 43.

[13] A/HRC/27/53, para. 28.

[14] For example, Afghanistan, Guatemala, Pakistan and Yemen.

[15] A/HRC/32/44, paras. 34, 56 and 105 (d) (i).

[16] A/HRC/32/32, paras. 14, 36, 39 and 84.

[17] For example, see Bhutan (A/HRC/27/8), Guinea (A/HRC/29/6), Guinea-Bissau (A/HRC/29/12), Kenya (A/HRC/29/10), Kuwait (A/HRC/29/17), Lesotho (A/HRC/29/9), Liberia (A/HRC/30/4), Madagascar (A/HRC/28/13), Malawi (A/HRC/30/5), Turkey (A/HRC/29/15) and Yemen (A/HRC/26/8).

marriage. In October 2014, the Committee appointed a Special Rapporteur of the African Union on Child Marriage.

8. In August 2014, the South Asia Initiative to End Violence against Children, an intergovernmental apex body of the South Asian Association for Regional Cooperation, adopted the Regional Action Plan to End Child Marriage in South Asia (2015-2018). The Regional Action Plan, which includes seven expected outcomes, recognizes child marriage as a regional human rights concern and declares putting an end to the practice a regional priority. In November 2014, States members of the Initiative[18] adopted the Kathmandu Call for Action to End Child Marriage in South Asia, in which they committed to taking 12 actions as a means towards ending child marriage.

9. In August 2014, the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) entered into force. The Istanbul Convention acknowledges forced marriage as a serious human rights violation and a major impediment to the achievement of gender equality. As part of its Action Plan on Human Rights and Democracy 2015-2019, the European Union is focusing on the prevention of child, early and forced marriage as one of the key elements of the realization of human rights.

III. Legislative measures and enforcement of legislation

10. The OHCHR report on child, early and forced marriage highlighted that, in 2014, 147 countries still permitted children below the age of 18 to be married, of which 54 allowed girls to marry at a younger age than boys. It also stressed that marriage provisions in plural legal systems were often inconsistent with international obligations.[19]

11. Since the issuance of the OHCHR report, some States have reported efforts to strengthen the legal framework to prevent and address child, early and forced marriage. For example, in 2015, Togo adopted a new criminal code criminalizing child and forced marriage. The country also adopted Act No. 2009-010 to ensure systematic birth registration. In 2015, Nepal introduced a legal ban on child marriage. In 2015, Chad raised the minimum age of marriage to 18 years for both girls and boys for all marriages, whether civil, religious or traditional, and made child marriage a punishable offence.[20] In November 2015, Guatemala introduced the minimum age of marriage of 18 years for both girls and boys, and in July 2015, Spain raised the minimum age of marriage from 14 to 16 years for both girls and boys. In June 2015, amendments to the Canada Civil Marriage Act entered into force, setting the absolute minimum age of marriage at 16 years, without exceptions. The law is also applicable to children below the age of 16 who are resident in Canada, regardless of the purported location of the marriage ceremony.

[18] Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka. See the submission from the Center for Reproductive Rights.

[19] A/HRC/26/22, para. 42.

[20] United Nations Population Fund, "Chad: national campaign to end child marriage takes off", 24 March 2015. Available from http://reliefweb.int/report/chad/chad-national-campaign-end-child-marriage-takes.

12. The Marriage, Divorce and Family Relations Act of 2015 of Malawi sets the minimum age of marriage at 18 years. However, the new law does not supersede the relevant provision of the country's Constitution, which sets the minimum age of marriage at 15 years, with parental consent. In April 2014, Morocco repealed an article in its penal code that allowed rapists to avoid prosecution if they married the victim. In its combined sixth and seventh periodic reports to the Committee on the Elimination of Discrimination against Women (CEDAW/C/MLI/6-7), Mali reported that it had introduced several amendments to its criminal code, which henceforth imposes a criminal penalty for civil registry officials who perform early marriage. Guinea, during its universal periodic review in April 2015, reported that it had taken steps to reform discriminatory legislation against women, including harmonization of its laws with the Convention on the Rights of the Child.[21]

13. In 2015, Portugal adopted Law No. 83/2015, which criminalizes forced marriage, and Slovenia introduced a new criminal offence of "forced marriage or a similar union" punishable with up to five years' imprisonment in its criminal code. The Antisocial Behaviour, Crime and Policing Act 2014 of the United Kingdom makes the use of violence, threats, deception or any other form of coercion for the purpose of forcing a person into marriage in England and Wales or into leaving the United Kingdom with the intention of forcing that person to marry a criminal offence. It also criminalizes breaches of a Forced Marriage Protection Order.[22]

14. In March 2015, parliamentarians from 79 countries joined forces through the Global Parliamentary Campaign to End Child, Early and Forced Marriage to work towards ending the practice at the national level.[23] At the time of writing, the Southern African Development Community (SADC) was drafting a model law on child, early and forced marriage with support from the United Nations Development Programme, the United Nations Population Fund (UNFPA), Plan International and the Southern Africa Litigation Centre.

15. National courts are increasingly adjudicating cases of child, early and forced marriage. In March 2015, the Madras High Court in the Indian State of Tamil Nadu ruled in two separate cases that marriages of children under Muslim personal law were in violation of the Constitution of India. In the first case (*Mohammad Abbas v. Chief Secretary*), the petitioner filed a public interest litigation petition requesting the Government's non-interference in the marriage of a young girl by her parents, as it was valid under Muslim personal law. The Madras High Court denied the petition, stating that the performance of child marriage was not protected by the right to freedom of religion under the Constitution of India but rather amounted to a violation of the girl's fundamental rights as enshrined in the Constitution. In the second case (*Abdul Khader v. K. Pechiammal*), the Court ruled in favour of an officer who was seeking an injunction against the marriage of a 15-year-old girl. The petitioner had claimed that the marriage would be valid under Muslim personal laws. Three other Indian state high courts, the Gujarat High Court, the Kolkata High Court and the Punjab and Haryana High Court, have also since issued rulings consistent with the Madras High Court's decision in *Mohammad Abbas v. Chief*

[21] See A/HRC/29/6.

[22] A/HRC/26/22, para. 26.

[23] See Parliamentarians for Global Action, "Global parliamentary declaration to end child, early and forced marriage and list of signatories", 4 March 2015. Available from www.pgaction.org/campaigns/cefm/declaration-to-end-child-early-and-forced-marriage.html.

Secretary, finding that even where child marriages were "self-initiated" they were voidable under the Prohibition of Child Marriage Act, 2006.

16. On 20 January 2016, the Constitutional Court of Zimbabwe declared section 22 of the Marriage Act unconstitutional for allowing marriage under 18 years of age and ruled that "no person, male or female, in Zimbabwe may enter into any marriage, including an unregistered customary law union or any other union, including one arising out of religion or a religious rite, before attaining the age of 18".[24]

17. At the time of writing, a court in Mozambique was hearing cases of child marriage within the Johane Marangue sect after three girls below the age of 14 years filed suits, contesting their marriages.[25]

18. Following the rejection by the Pakistani Parliamentary Standing Committee on Religious Affairs and Interfaith Harmony of a 2015 bill to increase the minimum legal age of marriage to 18 years and to strengthen penalties for child, early and forced marriage, legislatures in the Pakistani Sindh province adopted the Child Marriage Restraint Act, which raised the minimum age of marriage to 18 years and imposed penalties for child, early and forced marriage. In 2015, Punjab province legislatures strengthened penalties for child marriage.

IV. Policies and action plans

19. The OHCHR report highlighted the need for comprehensive and coordinated approaches to effectively address child, early and forced marriage. In paragraph 53 of the report, it was recommended that national policies and strategies be developed with the involvement of relevant government departments at the national and local levels.

20. During the period covered by the present report, Burkina Faso, Madagascar, Mali, the Niger and Zimbabwe all launched the aforementioned campaign to end child marriage, which requires the development of national action plans to end the practice.[26] Globally, more than 40 countries are working with the United Nations Children's Fund (UNICEF) to include initiatives to end child, early and forced marriage in their domestic programmes; of those, 18 have adopted national strategies. In 2015, Mozambique adopted a national strategy on child, early and forced marriage for 2015-2019, which involves five ministries under the leadership of the Ministry of Gender, Children and Social Affairs. Mauritania has put in place a multisectoral committee for the elaboration and monitoring of a plan for the elimination of child, early and forced marriage, with representatives of the ministries handling the social affairs, children and family, justice, health, education, Islamic affairs and communication portfolios, as well as United Nations entities and civil society organizations. Togo reported on the elaboration of a programme to eradicate adolescent pregnancies and early marriages.

[24] Veritas, "Constitution watch 4/2016: Veritas wins court case against child marriage — Constitutional Court decides marriage under 18 unconstitutional", 20 January 2016. Available from www.veritaszim.net/node/1558.

[25] Arnaldo Vieira, "Mozambique cracks down on child marriage sect", 18 November 2015. Available from www.africareview.com/News/Mozambique-cracks-down-on-child-marriage-sect/-/979180/2961326/-/jel56gz/-/index.html.

[26] See http://pages.au.int/cecm.

21. Following its commitment at the Girl Summit in London in June 2014, the Government of Nepal has developed a draft national strategy to end child marriage, which is expected to be adopted later in 2016. In 2014, the National Population Council of Egypt launched a five-year national strategy to prevent child marriage, which aims to reduce child marriage by 50 per cent. Following the adoption of the Federal Act on Measures against Forced Marriages, Switzerland has embarked on a five-year (2013-2017) programme against forced marriage aimed at establishing services for affected women and girls throughout Switzerland and strengthening cooperation among experts in this field. The new Strategy for the Social Inclusion of Roma in Serbia for 2016-2025 lays down measures to reduce the number of juvenile and forced marriages and juvenile pregnancies in the Roma community.

22. Several countries have integrated the issue of child, early and forced marriage in their existing programmes on violence against women, on harmful practices or more broadly on the prevention of gender-based violence. For instance, Canada has established the Interdepartmental Working Group on Early and Forced Marriage, Honour-based Violence and Female Genital Mutilation/Cutting, which includes 14 departments, agencies and crown corporations. The national action plan of Belgium against all forms of gender-based violence contains 235 measures, including an end to forced marriages. The National Plan of Action for Children and Adolescents (2012-2021) of Peru includes expected result 9, Adolescents will postpone maternity and paternity until they reach adulthood.

23. International and regional cooperation has also increasingly focused on the promotion of plans and initiatives against child, early and forced marriage. In July 2014, UNICEF and UNFPA announced the creation of the Global Programme to Accelerate Action to End Child Marriage in more than 10 countries with medium to high prevalence rates.[27] The United States reported that the Department of State was embarking on a new $1 million programme in one or more of the neighbouring countries of the Syrian Arab Republic affected by the Syrian refugee crisis to help to prevent and respond to early and forced marriage. These efforts will focus on the training of caregivers, religious leaders and community stakeholders and support to civil society organizations and other actors working on protecting at-risk girls and providing services to married girls.

24. In 2015, Commonwealth countries adopted the Kigali Declaration, which sets out a framework for action by national human rights institutions on child, early and forced marriage. To date, 20 countries, including a number of high-prevalence countries, have signed the Declaration.[28] In the Caribbean context, the Commonwealth has been actively working on the issue through its work on gender-based violence, sexual exploitation and empowerment.

[27] The Global Programme to Accelerate Action to End Child Marriage has received commitments amounting to more than $80 million from the Governments of Canada, Italy, the Netherlands, Norway and the United Kingdom. Countries of focus include Bangladesh, Burkina Faso, Ethiopia, Ghana, India, Mozambique, Nepal, the Niger, Sierra Leone, Yemen and Zambia.

[28] Signatories include Bangladesh, Botswana, Cameroon, India, Jamaica, Kenya, Malawi, Maldives, Namibia, Nigeria, Rwanda, Sri Lanka, Uganda and the United Republic of Tanzania.

V. Engagement of religious, traditional and community leaders and of men and boys

25. The OHCHR report recommends the involvement of religious, traditional and community leaders and the engagement of men and boys in efforts to address widespread cultural and social acceptance of child, early and forced marriage.

26. In 2014, the Zimbabwean National Chiefs Council announced its commitment to ending child marriage. In Malawi, Plan International, as part of its 18+ Programme, has trained traditional and religious leaders on the importance of addressing child, early and forced marriage. The Programme has also facilitated peer exchange and learning processes for chiefs from SADC. In the Dedza district, in the Central Region of Malawi, Senior Chief Inkosi Kachindamoto has reportedly annulled hundreds of customary child marriages and encouraged children to go back to school.[29] The Commonwealth has supported the mobilization of traditional chiefs, young men and young women survivors of child, early and forced marriage in Malawi. At present, a caucus of Chiefs works to mobilize traditional leaders and structures to end child marriage in rural communities. A network of young men was also established, which has taken forward advocacy in several rural districts in schools, universities, churches and communities to end child marriage.

27. In Nigeria, Save the Children has engaged men, religious and community leaders as active partners of change, through awareness-raising activities. Similarly, in the United Republic of Tanzania, Save the Children, jointly with local civil society organizations, has developed the Baba Bora ("good father") Campaign, which focuses on stronger male engagement in fighting violence against children, including child, early and forced marriage.

28. In April 2013, the Government of Zambia initiated a three-year national campaign to end child marriage. The campaign includes activities to empower traditional leaders to become champions and agents of change in their chiefdoms and to amend relevant laws and policies to ensure that girls are legally protected from child marriage.

29. The Ministry of Women's Empowerment and the Family of Cameroon signed an agreement with the Council of Imams and Muslim Dignitaries of Cameroon to jointly address child, early and forced marriage and other harmful practices.

VI. Access to education and empowerment of girls and women

30. Promoting girls' access to high-quality education, in accordance with relevant international standards, and promoting women's economic empowerment and access to productive resources are key strategies to prevent child, early and forced marriage.

31. In Zimbabwe, Plan International's Building Skills for Life Programme pays for schooling and education materials for out-of-school girls to enable them to re-enter the education system. The organization supports the Government's Second

[29] United Nations Entity for Gender Equality and the Empowerment of Women, "Malawi Chief annuls 330 child marriages", 17 September 2015. Available from www.unwomen.org/en/news/stories/2015/9/malawi-chief-annuls-330-child-marriages.

Chance Education Policy, aimed at improving the quality of education in schools through the introduction of adolescent sexual and reproductive health education, the creation of girls' empowerment clubs and the strengthening of school-based child protection systems. The majority of girls in the programme have re-entered the formal education system and are currently acting as mentors to younger girls.

32. In the United Republic of Tanzania, Plan International and the Small Industries Development Organization have trained girls (aged 15-24), particularly those out of school and particularly at risk of forced marriage, in livelihood skills and entrepreneurship with a view to enabling them to open and run a business. Save the Children also supports girls' empowerment programmes in South Sudan.

33. Save the Children provides reproductive health services and educational and vocational skills training for girls in Somaliland who are at risk of child, early and forced marriage or living in such marriages. In Nigeria, the organization is supporting vocational programmes for girls and capacity-building of female members of the Children's Parliament. Zambia has instituted two new programmes aimed at ending child, early and forced marriage, Girls' Education and Women's Empowerment and Livelihoods, and Women at Work. In Malawi, the Ministry of Health, UNICEF and local civil society organizations have organized sex education campaigns inside and outside schools, with access to modern contraceptives.

34. Several countries have devoted substantial resources either bilaterally or through technical assistance to promote girls' education and empowerment and prevent child, early and forced marriage. For example, in July 2015, Canada announced a $20 million contribution to a project on child, early and forced marriage with UNFPA aimed at access to health information and services, education and life skills training for adolescent girls. Also in July 2015, Canada announced a $2.3 million contribution to a project to end child, early and forced marriage in Commonwealth countries through open learning and distance education. Germany, through its Federal Ministry for Economic Cooperation and Development (BMZ) is supporting educational efforts including on sexual and reproductive health to reduce child, early and forced marriage in Guinea, Indonesia and Malawi. The United Kingdom is funding the Finote Hiwot programme in Ethiopia. The programme targets girls and boys through in-school activities, including girls' clubs, mentoring, school materials and incentives for girls at risk. The project has reportedly reached at least 37,500 adolescent girls. The United States Agency for International Development in 2015 provided health care and access to education for married children and adolescents and educated students, teachers, parents and community leaders through its Safe Schools programme in Nepal.

35. In March 2015, the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Entity for Gender Equality and the Empowerment of Women, UNFPA and the World Bank announced a joint initiative, Empowering Adolescent Girls and Young Women through Education,[30] aimed at averting child marriage and early pregnancy in 20 countries.

[30] UNESCO, "Closing gender gap in education", 11 March 2015. Available from http://en.unesco.org/news/closing-gender-gap-education-0. The joint programme will be implemented in 20 countries, including Mali, Nepal, the Niger, Pakistan and South Sudan.

VII. Awareness-raising

36. The OHCHR report stressed the importance of addressing the widespread cultural and social acceptance of child, early and forced marriage, including by raising awareness of its harm to the victims and the costs to society at large.

37. A number of countries have used the press, television, radio, books and social media to raise awareness of the impact of these harmful practices, transform societal norms and empower and equip girls with the information and skills to say "no" to marriage. For instance, the State Committee for Family, Women and Children Affairs in Azerbaijan, in collaboration with UNFPA, has organized several television and radio programmes on child, early and forced marriage and awareness-raising campaigns in schools on topics related to early marriages, girls' access to education and reproductive health. In August 2014, the country launched the "Be for the healthy lifestyle: say no to early marriages" campaign. In Zimbabwe, Plan International is using radio programmes and social media to raise awareness of the harmful impact of child, early and forced marriage, and in Pakistan, it has organized 107 interactive theatre and art shows on child, early and forced marriage in affected communities. In Cameroon, the Ministry of Women's Empowerment and the Family has established a partnership with community media to broadcast programmes against child, early and forced marriage and other harmful practices. In India, the organization Awaaz-e-Niswaan is providing a safe haven for peer-to-peer sharing between adolescent girls. In groups led by older girls, girls learn about the long-term physical and psychological impact of early marriage and early childbearing. In Mauritius, the National Children's Council undertakes campaigns in children's clubs and in "parent schools" to inform the public about the existing legislation and prevent child, early and forced marriage.

38. Awareness-raising activities have in some cases targeted at-risk women and girls and communities. In 2015, Serbia embarked on the "Responsible through life" and "Choose your own path" campaigns, aimed at raising awareness of the negative impact of child, early and forced marriage among young Roma women and children. Slovenia reported efforts in educating Roma families about the harmful consequences of child, early and forced marriage. Also in 2015, Belgium and Italy adopted a sectoral plan on Roma health that pays particular attention to the issue of child, early and forced marriage.

39. The United States Department of State is engaged in community awareness-raising on child, early and forced marriage in Benin. Germany, through the project of BMZ and the German Federal Enterprise for International Cooperation (GIZ), "Strengthening women's rights", supports the Ministry of Women Empowerment and Child Protection of Indonesia in the implementation of national campaigns to raise the minimum age of marriage. Canada, together with Girls Not Brides, has organized an exhibition entitled "Girls' voices: speaking out against child marriage". The exhibition, which was launched in 2015 at the Commonwealth Women's Forum in Malta and the African Girls' Summit in Zambia, tells untold stories of married girls and those at risk of child marriage and the community members, including religious and traditional leaders, advocating change in sub-Saharan Africa and South Asia.[31]

[31] See Girls Not Brides, "Girls' voices: speaking out against child marriage", 18 November 2015. Available from www.girlsnotbrides.org/press-release-girls-voices-speaking-out-against-child-marriage/.

VIII. Protection measures and services for married girls

40. The OHCHR report and human rights mechanisms highlight the need for protection services that are mandated and adequately resourced to provide all necessary prevention and protection services to women and children who are, or are at risk of becoming, victims of child, early and forced marriage. They also stressed the importance of capacity-building programmes for government officials, the judiciary, law enforcement, teachers, health and other service workers and those working with immigrants and asylum seekers on how to identify women and children at risk or actual victims and provide the services required.[32]

41. Protection measures for girls at risk of child marriage have been included in child-specific legislation. The Child Law of 2014 of Oman establishes different committees to address violence against children and specialized shelters for children. In Jordan, the Juvenile Act makes provisions for shelters for children who may be at risk of forced marriage.

42. In some countries, specific mechanisms to monitor cases of violence against children and prevent child, early and forced marriage have been established. For example, in Azerbaijan during the period 2014-2015, the children and family support centres acting in 11 regions discovered 20 cases of child marriages, of which 17 were prevented. In Cameroon, civil society organizations put in place "denunciation brigades" in the far north of the country. With the engagement of communities, they tracked cases of impending child, early and forced marriage and negotiated to prevent those and provide support to concerned families. The Forced Marriage Unit of the United Kingdom gave advice or support related to possible forced marriage in 1,267 cases, of which 79 per cent involved female victims and 21 per cent involved male victims. To date, it has issued more than 800 Forced Marriage Protection Orders to prevent people from being forced into a marriage and to assist in repatriating victims. The figures were not disaggregated by age.

43. Some countries reported on efforts to train professionals who could detect cases of child, early and forced marriage and provide, or make referrals to, necessary services. For example, in Belgium in June 2015, a guide addressed to professionals has been published by the Institute for the Equality of Women and Men in cooperation with the Network on Marriage and Migration and disseminated to personnel in schools, psychosocial services and the police, among others.[33] Further capacity-building was foreseen for officers in civil registration to allow them to detect signs of possible forced marriages. Justice Canada, in partnership with the Royal Canadian Mounted Police and Global Affairs Canada, provides training on these issues to front-line police officers, border officers and other service providers. Immigration, Refugees and Citizenship Canada has implemented a number of administrative measures, including operational guidelines to officers on how to address cases of forced marriage. Terre des Femmes reported that in 2014 and 2015, the Equal Opportunities representative of the district of Neukoelln, Friedrichshain-Kreuzberg, in Berlin, disseminated letters to schools to raise

[32] CEDAW/C/GC/31-CRC/C/GC/18, para. 87, and A/HRC/26/22, paras. 37-40 and 54 (h).

[33] Michel Pasteel, ed., "Mariage forcé? Guide à l'usage des professionnel-le-s" (Brussels, Institute for the Equality of Women and Men, 2015). Available from http://igvm-iefh.belgium.be/fr/publications/gedwongen_huwelijk_handleiding_voor_dienstverleners.

awareness among teachers and students of possible forced marriages of female students during the summer school holidays.

44. There was limited information on programmes and support to already married women and girls. Save the Children, working with its partners, is providing referral services to address the specific needs of girls in Somaliland who are already married, in particular in the areas of reproductive health services and educational and vocational skills training. In Cameroon, the centres for the advancement of women and the family and social centres are in charge of psychosocial assistance for victims of child, early and forced marriage.

IX. Gaps in legislation and policies

45. While available information and analysis shows continued efforts to strengthen the legal frameworks to address child, early and forced marriage, including by raising the minimum legal age of marriage and prohibiting the practice, the challenges identified in section VII of the OHCHR report persist.

46. In States' submissions received for the present report, it was acknowledged that there persisted differences in the legal age of marriage for girls and boys and discrepancies in marriage provisions in plural legal systems, where lower ages were often allowed for customary or religious marriages. Bangladesh, for example, sets the minimum age of marriage for girls at 18 years and 21 years for men in its Child Marriage Restraint Act, but it also has a Special Marriage Act in force, which provides that the age of marriage for girls is 14 years. In addition, it has the Muslim Family Laws Ordinance 1961, which sets the age of marriage of a girl at 16 years, while the Christian Marriage Act refers to any person under the age of 21 years as a child and the Hindu Marriage Registration Act does not specify a minimum age of marriage.[34] In its submission, Lebanon acknowledged that its personal laws governing legal procedures on such matters as age of marriage, divorce and inheritance for different religious groups were not in line with international norms[35] and stated that a new bill before Parliament since the end of 2014 would address current challenges if adopted.

47. Information received for the present report also indicates that, in most countries, exceptions to minimum age requirements are granted, in some cases without full compliance with existing guarantees. The absence of systematic free and compulsory marriage and birth registration, including registration of customary and religious marriages, continues to represent a challenge in the implementation of existing legislation.

48. Beyond specific legislation on the age of marriage and the prohibition of child, early and forced marriage, information on efforts to eliminate discriminatory provisions in such areas as access to land, inheritance, nationality, marriage, divorce, custody and eliminating legal obstacles to access sexual and reproductive health services was limited. Such measures are crucial to both preventing child,

[34] Shabina Begum and Dawson Cornwell, "Ending early and forced marriage: Bangladesh and United Kingdom perspective" (January 2016).

[35] In its submission, Lebanon listed different marriage ages for different religious groups, with marriages in some religious groups for girls who have reached puberty as young as 12 and a half with parental consent or with a waiver from the court.

early and forced marriage and protecting and empowering women and girls already in a marriage.

49. In terms of policies, the submissions did not include many examples of efforts to comprehensively link the eradication of child, early and forced marriage to the promotion of girls' and women's rights and agency. Information on programmes on women's economic empowerment and access to productive resources was scarce. Initiatives to strengthen women's and girls' capacity to claim and exercise their rights in relation to marriage also appeared to be limited in number. More progress is needed in ensuring access to quality education for girls, including those already in a marriage and those who are pregnant or had children.[36] Few examples were provided of efforts to meaningfully address the intersections between the causes and consequences of child, early and forced marriage and the realization of sexual and reproductive health and rights. For instance, few initiatives towards providing comprehensive, evidence-based, non-discriminatory sexuality education were reported. In addition, there were few references to removing legal and other obstacles to ensure access by women and children, including those already in a marriage, to adequate, confidential and adolescent-friendly sexual and reproductive health information and services. Moreover, there seems to be insufficient investment in challenging social norms and stereotypes related to women's sexuality that result in social support for child, early and forced marriage, often as a means to maintain "honour".

50. Only a few submissions referred to efforts to promote and support the roles of individuals providing services for women and children, including teachers and medical personnel, in identifying actual and potential victims of child, early and forced marriage. In addition, there was little information on efforts to ensure the protection of women and children fleeing the risk of being subjected to child, early and forced marriage or being persecuted as a result.

51. The paucity of information on efforts to ensure legal remedies, support and rehabilitation services and social and economic opportunities for already married women and children makes it particularly challenging to assess progress in this regard.

52. Only one country[37] submitted information with regard to budget allocations to address child, early and forced marriage at the national level; several indicated that funding was allocated through development cooperation. Establishing or strengthening accountability mechanisms at the national level on the issue of child, early and forced marriage appeared not to be a focus in most countries.

X. Progress and gaps in research

53. Systematic collection of data disaggregated by sex, age, geographic location, socioeconomic status, education level and other key factors, as well as qualitative research, is central to the identification of those particularly at risk and to monitoring and assessing the impact of policies and initiatives to eliminate child, early and forced marriage.

[36] A/HRC/26/22, para. 50.

[37] Serbia.

54. While the lack of systematic collection of disaggregated data appears to remain a challenge in many countries, several submissions referred to research on the manifestations, causes and consequences of child, early and forced marriage. In 2014, the Department for Equal Opportunities of Italy published a report on child, early and forced marriage that highlighted difficulties in detecting child, early and forced marriage, especially among women and girls from the Roma community. In response to the recommendations of the Committee on the Rights of the Child, in 2014 Slovenia commissioned empirical research on child, early and forced marriage among Roma children. The International Centre for Reproductive Health reported on research in Belgium in 2015 showing that child, early and forced marriage was particularly prevalent among both newly arrived migrants from ethnic minorities and those residing in the country of destination for a long period and that the Roma and the Afghan communities were particularly affected by early marriage.

55. In 2015, the American Jewish World Service, in partnership with Nirantar Trust, undertook a mapping of child and early marriage in India, which confirmed linkages between insecurity and the practice, including among internally displaced communities. It also found that conservative gender norms and anxieties relating to family honour were among the root causes of child, early and forced marriage. In Cameroon, a national study on child, early and forced marriage was conducted in 2014 by the University of Maroua in collaboration with the Association de lutte contre les violences faites aux femmes. The results showed that 70 per cent of child marriages concerned girls between the ages of 13 and 15 years. Another study conducted in Cameroon in 2014 by the Minister of Women's Empowerment and the Family with the support of Plan International Cameroon focused on the root causes and sociocultural determinants of child, early and forced marriage in the south-west of the country.

56. Increasingly, research has been devoted to the prevalence of child, early and forced marriage in Latin America. In July 2015, the Inter-American Development Bank issued a report on child marriage in Latin America and the Caribbean that identified families' exertion of control over girls' sexuality, response to early pregnancy, or family honour and financial support for girls and their children after early pregnancy as the root causes and factors contributing to the prevalence of child marriage in the region.[38] Brazil has the fourth highest absolute number of girls who are married by the age of 15. Some research in Guatemala indicates that 9 out of 10 girls drop out of school owing to early pregnancy. In its submission, Peru highlighted economic reasons, lack of access to information and inadequate reproductive health rights and services as contributing to the high levels of early informal unions.

57. In the context of research on the economic impacts of child marriage, the World Bank and the International Center for Research on Women are examining three high-prevalence countries, namely Ethiopia, the Niger and Nepal. Their initial findings indicate that the economic impacts of child marriage are significant. In the

[38] Margaret E. Greene, Giovanna Lauro and Alice Taylor, "Yes, girls do marry as children and adolescents in Latin America", 9 July 2015. Available from http://blogs.iadb.org/y-si-hablamos-de-igualdad/2015/07/09/yes-child-marriage-algo-exists-in-latin-america/.

Niger alone, the costs are estimated to amount to more than $25 billion between now and 2030.[39]

58. Efforts to assess the impact of programmes and initiatives to address child, early and forced marriage are intensifying, although more research is needed in this regard. The United States Agency for International Development has undertaken research into the effectiveness of programmes to delay child, early and forced marriage in Burkina Faso, Ethiopia and the United Republic of Tanzania. The United Kingdom reported that it was funding the Global Girls Research Initiative to generate new evidence on effective avenues to reduce discrimination against girls and enable them to transition out of poverty. The research is expected to inform the policies and programming of national Governments, international agencies and civil society organizations on the issue. A recent evaluation by the International Center for Research on Women of the Haryana State programme Apni Beti Apna Dhan ("our daughters, our wealth") in India found that conditional cash transfers in the context of child marriage increased the likelihood of girls marrying immediately upon reaching the age of 18 when families were eligible to receive the cash transfer, which was then used as dowry. Girls Not Brides research and lessons learned on national strategies to end child, early and forced marriage in four countries found that there was momentum, as well as high levels of political will, but that such initiatives needed to be broadened beyond children and gender ministries to other ministries.

59. Some research has been undertaken on the causes and impacts of child marriage in the context of humanitarian and conflict settings. Child marriages among refugees living in Jordan increased from 12 per cent in 2011 to 32 per cent in 2015.[40] According to Save the Children, reasons for child marriage among Syrian refugees in Jordan include the parents' desire to protect their girl children from general insecurity in refugee camps, to preserve their daughters' and their family's honour and to escape poverty.

60. Efforts to understand the determinants of child, early and forced marriage in different contexts should continue paying attention to specific communities and groups that may be at heightened risk. In this regard, more research is needed on how children and young people with disabilities are affected by child marriage. More attention should be paid to assessing whether initiatives to prevent and address child, early and forced marriage are effective and their impact on the lives and rights of women and girls in targeted countries and communities. For instance, the impact of legislation criminalizing child marriages, the linkages between girls' engagement in paid work and economic empowerment initiatives and delaying marriage and the impact of awareness-raising and capacity-building efforts in preventing marriage should be further researched.

[39] Quentin Wodon and others, "Economic impacts of child marriage: preliminary finding from analyses of existing data", research brief, November 2015. Available from www.costsofchildmarriage.org/#sthash.5R6ASy9o.dpuf.

[40] UNICEF, "A study on early marriage in Jordan 2014" (Amman, 2014), available from www.unicef.org/jordan/UNICEFJordan_EarlyMarriageStudy2014-E_COPY_.pdf; CARE International, "Girls not brides: increase in child marriages among Syrians stranded inside and outside of the country", 28 December 2015, available from http://reliefweb.int/report/jordan/girls-not-brides-increase-child-marriages-among-syrians-stranded-inside-and-outside.

XI. Conclusions and recommendations

61. Data estimates point to a slow decline in the prevalence of child, early and forced marriage globally, with the biggest reduction in marriages under the age of 15. In parallel, however, conflict and humanitarian emergencies have resulted in an increase in child, early and forced marriage, with reports of high rates of marriage among girls in refugee camps.[41]

62. In the short period covered by the present report, growing momentum for the elimination of child, early and forced marriage was observed at the international, regional and national levels. At the international level, the recognition of the eradication of child, early and forced marriage as a development and a human rights priority is exemplified by the inclusion of a specific target in the Sustainable Development Goals and the increasing attention devoted to the issue by international and regional human rights mechanisms.

63. A growing body of evidence on the prevalence of child, early and forced marriage has led to a greater understanding of its causes and social and health impacts. In addition, guidance on the preventative, protection and redress measures that States should take to meet their human rights obligations to address child, early and forced marriage has been developed. Initiatives to address the practice have reportedly multiplied at the national and regional levels, although it is too early to provide a conclusive assessment of their impact.

64. Going forward, efforts to further progress towards the elimination of the practice need to be sustained. Successfully tackling child, early and forced marriage requires moving beyond small-scale initiatives towards well-defined, rights-based and locally relevant holistic strategies that are based on evidence and include legal and policy measures combined with commensurate political commitment and accountability at all levels. Such strategies need to take into account the wider sociolegal context in which child, early and forced marriage occurs and move beyond a narrow focus on protection to prioritize approaches that empower women and girls and promote their human rights, autonomy and choice in all aspects of their lives. Holistic strategies require adequate human, technical and financial resources and should be coordinated both vertically (at the local, regional and national levels and with traditional and religious authorities) and horizontally (across such sectors as education, health, justice, social welfare, law enforcement, immigration and asylum). The active involvement of women, girls and adolescents and civil society organizations in the design, implementation and evaluation of strategies to address child, early and forced marriage is crucial to making them relevant, sustainable and effective. There should also be independent mechanisms to track progress in addressing child, early and forced marriage and provide redress.

65. National averages can hide the reality of those in particularly marginalized and vulnerable situations. Specific hotspots within high-prevalence countries need to be identified so that Governments can tailor and target their responses to reach the most marginalized and those at greatest risk of child, early and forced marriage. Solid measurement, evaluation and learning, including consistent data

[41] UNICEF, *The State of the World's Children 2015: Executive Summary* (see footnote 3).

collection and disaggregation, are needed to identify those hotspots and vulnerable populations and to assess progress and trends.

66. **The expert group meeting to be organized by OHCHR before the thirty-fourth session of the Human Rights Council, pursuant to Council resolution 29/8, represents an important opportunity to review and discuss the impact of existing strategies and make additional recommendations to guide efforts towards the elimination of child, early and forced marriage. I encourage all relevant stakeholders to sustain the existing momentum and to work towards a future when not only is marriage delayed, but the choices of girls and women are expanded beyond marriage.**

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Item 69 (b) of the provisional agenda*
Promotion and protection of human rights: Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Effective promotion of the declaration on the rights of persons belonging to national or ethnic, religious and linguistic minorities

Note by the Secretary-General

The Secretary-General has the honour to transmit the report of the Special Rapporteur on minority issues, Rita Izsák-Ndiaye in accordance with General Assembly resolution 68/172.

* A/71/150.

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Report of the Special Rapporteur on minority issues, Rita Izsàk-Ndiaye

Summary

The present report addresses the human rights of persons belonging to national or ethnic, religious and linguistic minorities, where they find themselves in situations of humanitarian crises, such as conflict, or disasters brought about by natural or man-made hazards.

The impact of humanitarian crises often disproportionately affect minority communities owing to their distinct identity, geographical location, poverty, discrimination or other unique circumstances.

This report seeks to explore some of the underlying conditions of those disproportional impacts. First, the Special Rapporteur investigates how minorities are more likely to be affected by humanitarian crises or disasters. Secondly, she looks at the specific challenges or discrimination that minorities may face during or after potential displacement or disruption owing to a humanitarian crisis or disaster, even when the trigger of that displacement or changed situation is not directly linked to their affiliation to that minority group.

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I. Introduction

1. The present report of the Special Rapporteur on minority issues is submitted to the General Assembly at its seventy-first session in accordance with Assembly resolution 68/172 and Human Rights Council resolution 25/5.

2. Section II of the present report provides a brief overview of the activities of the Special Rapporteur. Section III focuses on minorities in situations of humanitarian crises, in particular, examining the specific challenges facing minorities who are already in situations of vulnerability, whether as internally displaced persons, asylum seekers, refugees, or as victims of disasters. The final section presents conclusions and offers recommendations.

II. Activities of the Special Rapporteur

3. A summary of the recent activities of the Special Rapporteur is available in her 2015 report at the 31st session of the Human Rights Council (A/HRC/31/56, paras. 2-19) and in the Bulletins available on her Office of the High Commissioner for Human Rights website.

A. Country missions during 2016

1. Iraq

4. The Special Rapporteur visited Iraq from 27 February to 7 March 2016. She recognized Iraq's long history of great diversity, but noted with regret that owing to years of marginalization, conflict, ethnic and religious tensions, and recent terrorism, communities have lost trust in each other and in the Government. Iraqi minorities report feeling targeted, marginalized and unprotected. The Special Rapporteur also observed that while the so-called Islamic State or Daesh has created immense suffering and has targeted certain minority communities, the challenges facing minorities started much longer ago, and go much deeper in Iraqi society. The Special Rapporteur further noted that in view of the displacement crisis and its disproportionate impact on minorities, a law on minority rights protection and on internal displacement should also be adopted and explicitly recognize the rights of all ethnic and religious groups to equal protection and to durable solutions in the form of return to their homes or, where that is not possible or desired, local integration or resettlement.

5. The Special Rapporteur also made particular note of the situation of the Yezidi community, and stated that information suggests that all atrocities against Yezidis, including killings, bodily and mental harm, have been committed with the intent to destroy them as a community, in whole or in part. She urged that a full investigation into the crimes committed by Daesh and any other parties to the conflict be conducted and that the perpetrators be held accountable for all crimes and human rights violations, including war crimes, crimes against humanity and genocide. Her full report will be submitted at the thirty-fourth session of the Human Rights Council, in March 2017.

2. Republic of Moldova

6. The Special Rapporteur visited the Republic of Moldova from 20 to 29 June 2016. The Republic of Moldova is a multi-ethnic, multi-religious and multicultural society with a comprehensive legal framework for the protection of minority rights; nevertheless, the lack of dedicated budget provisions and insufficient institutional attention to minority issues remain the main obstacles for its proper implementation.

7. The Special Rapporteur observed that the use of the mother tongue is highly important and emotive for many communities and an essential aspect of personal and community identity. She encouraged the Government to take the necessary measures to guarantee quality education in both the mother tongue and the State language. She called for the introduction of multilingual education methodologies and multilingual classrooms and for public administration services to ensure the use of the State language, Russian and other minority languages. Consultations with religious minorities showed that in most of the country peaceful interreligious relations prevail, although some incidents of racial profiling and religious-motivated attacks against Muslim and Jewish communities were reported. Roma communities continue to experience economic, social and political marginalization and are often victims of discrimination, particularly when accessing the labour market, education and health-care services.

8. Commenting on the possible deepening divide along ethnic, linguistic and other communal lines of the society, she stressed that the future of the Republic of Moldova must be shaped and defined based on such values and principles as respect for human rights, good and inclusive governance and minority rights protection and not by geopolitical labels. Her full report will be submitted at the thirty-fourth session of the Human Rights Council, in March 2017.

3. Sri Lanka

9. The Special Rapporteur has been invited to visit Sri Lanka from 10 to 20 October 2016. She welcomes this opportunity, which has been a priority of her mandate for many years. She intends to examine the situation of minorities throughout the country, taking note of the recent end of the armed conflict which lasted for more than 30 years, and the first 2015 elections which has seen a subsequent widening of democratic space and a new commitment to the promotion and protection of human rights. Her full report will be submitted at the thirty-fourth session of the Human Rights Council, in March 2017.

B. 2016 Annual Report to the Human Rights Council

10. The Special Rapporteur submitted her thematic report on "Minorities and discrimination based on caste and analogous systems of inherited status" at the thirty-first session of the Human Rights Council, in March 2016 (A/HRC/31/56).

C. Forum on Minority Issues

11. The Special Rapporteur has been requested by the Human Rights Council in its resolutions 6/15 and 19/23 to guide the work of the Forum on Minority Issues.

12. The eighth session of the Forum was held in Geneva on 24 and 25 November 2015, with a thematic focus on minorities in the criminal justice system (see A/HRC/31/56). More than 500 delegates participated, including representatives of Member States, United Nations mechanisms, intergovernmental bodies, non-governmental organizations and minorities. They identified challenges and effective practices to combat discrimination against minorities during all stages of the criminal justice process. Recommendations from the Forum were submitted to the Council at its thirty-first session (A/HRC/31/72).

13. The ninth session of the Forum, which will focus on the theme of minorities in situations of humanitarian crises, will be held in Geneva, on 24 and 25 November 2016.

14. In the light of her mandate to guide the work of the Forum (resolution 25/5), the Special Rapporteur has been engaged in ongoing reflections and discussions about ways of refining and improving the format, impact and outreach of the Forum. In this connection, she convened and moderated a side event in Geneva on the sidelines of the 2015 Forum entitled "Minority rights protection in the United Nations system: looking back and looking ahead — A Forum for the future". As a result of the consensus generated during this side event, in 2016 she has decided to convene a consultative event on the sidelines of the seventy-first session of the General Assembly. The meeting will strive to reach out to New York-based humanitarian actors, including civil society, in view of the focus of the Forum on minorities in a situation of humanitarian crisis. She hopes that this consultation will lead to increased awareness of and better engagement with the Minority Forum and will strengthen linkages between relevant Geneva-based and New York-based organizations and initiatives.

III. Minorities in situations of humanitarian crises

A. Introduction

15. According to the Office for the Coordination of Humanitarian Affairs (OCHA), the scale of global humanitarian needs is higher than ever. As of December 2015, there were an estimated 125 million people in need of humanitarian assistance worldwide.[1] Ongoing humanitarian crises in the Syrian Arab Republic, South Sudan and Iraq, and other natural disasters and medical outbreaks, including the Ebola virus disease outbreak in West Africa, have affected the lives of tens of millions of people. Large numbers of people continue to suffer as a result of other new, chronic or recurrent conflicts, crises and disasters. Moreover, currently there are unprecedented numbers of persons displaced worldwide with situations of protracted conflict and violence creating increasingly large numbers of both refugees and internally displaced persons. According to the Office of the United Nations High Commissioner Refugees, by the end of 2015, 65.3 million individuals were forcibly displaced worldwide; the highest number to date, as a result of persecution, conflict, generalized violence, or human rights violations.[2]

[1] Office for the Coordination of Humanitarian Affairs, "Global Humanitarian Overview 2016".
[2] Office of the United Nations High Commissioner Refugees "Global Trends 2015".

Furthermore, an estimated 107.3 million people (also the highest to date) were displaced by disasters.[3]

16. There is, however, no exact data on how many minorities are affected by crises and where: many people go unreached and uncounted for as situations change swiftly and population data are often lacking in the most crisis-prone settings. Nevertheless, during the course of her mandate, the Special Rapporteur on minority issues has observed that minorities, whether ethnic, national, religious or linguistic, can be disproportionately affected, either directly or indirectly, owing to their minority status, during the crisis itself or in the aftermath when seeking protection. The mandate of the Special Rapporteur has repeatedly addressed the plight of such minorities in situations of humanitarian crises through country visits,[4] consultations, side events and thematic reports,[5] and in response to emergent and emergency situations through communications,[6] and press statements.[7] However, despite these contributions, the Special Rapporteur notes there remains a dearth of research and understanding regarding the specific needs and vulnerabilities of minorities in situations of humanitarian crises at the global level.

17. This was perhaps most recently reflected by the recent World Humanitarian Summit convened in 2016 by the Secretary-General in response to the recognition that civil strife and conflicts are driving suffering and humanitarian need to unprecedented levels. Seeking to bring together humanitarian actors to think about ways to improve the international humanitarian system to address the magnitude of

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[3] Internal Displacement Monitoring Centre, "Global Estimates 2015".

[4] Country visit to Iraq, 2016, report forthcoming at the thirty-fourth session of the Human Rights Council, 2017; country visit to Ukraine, 2014 (A/HRC/28/64/Add.1); country visit to Nigeria, 2014 (A/HRC/28/64/Add.2); country visit to Colombia by the former Independent Expert on Minority Issues, 2010 (A/HRC/16/45/Add.1).

[5] "Hate speech and incitement to hatred against minorities in the media", 2015 (see A/HRC/28/64); "Preventing and addressing violence and atrocities against minorities", 2014 (see A/69/266); "Minority rights-based approaches to the protection and promotion of the rights of religious minorities", 2013 (see A/68/268); "The role of minority rights protection in promoting stability and conflict prevention", 2011 (see A/HRC/16/45).

[6] For examples of communications addressing minorities in humanitarian crises see: IRQ 1/2015; IRQ 5/2014; PAK 6/2014. LKA 9/2014; COL 4/2013; COL 4/2013.

[7] Press Release, Kosovo, "Rights experts urge the UN to implement a panel opinion on Roma IDPs poisoned in camps in Kosovo, 15 April 2016", All references to Kosovo in the present document should be understood in full compliance with Security Council resolution 1244 (1999) and without prejudice to the status of Kosovo, www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=19822&LangID=E#sthash.eXlGbWyl.dpuf; Press Release United States of America, "Flint [Michigan, United States of America]: Fundamentally about human rights — UN experts underline", 3 March 2016, www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17139&LangID=E#sthash.MpAeHPkC.dpuf; Press Release Iraq, "Immediate action needed to protect human rights of Yazidis in grave danger", 12 August 2014, www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14936&LangID=E; Press Release Iraq: "Impact of conflict on minorities 'devastating '", 25 July 2014, www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14904&LangID=E; Press Release, Nigeria, "A forgotten tragedy — UN experts call for a stronger response to internal displacement in Nigeria", 23 July 2014, www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14896&LangID=E#sthash.Wr00ljDa.dpuf; Press Release, Central African Republic, "Evacuation of internally displaced populations should be used as a last resort", 25 April 2014, www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14896&LangID=E, Press Release, "Sri Lanka: UN experts alarmed at deportations of Pakistani asylum seekers without assessment"-, 14 August 2014.

challenges currently facing the world, the slogan "Leave no one behind" was a core tenet of the Summit. It was also core responsibility 3 in the Secretary-General's report (see A/70/709, annex), and was included in the Chair's summary as a key goal of the Summit. Nevertheless, the Special Rapporteur notes with regret that very few discussions during the Summit actually included reference to the specific situation, and the greater level of vulnerability of minorities. Moreover, in the Chair's Summary, there was no mention of minorities in humanitarian situations.[8]

18. In this context the Special Rapporteur on minority issues has decided to dedicate her final report to the General Assembly to this important topic, considering two guiding questions:

- Are minorities more likely to be affected by humanitarian crises or by disasters, and therefore experience greater hardship, displacement, or increased need to seek refuge in another country?
- In the context of humanitarian crises or disasters, what are the additional challenges that minorities face when seeking protection, even when the trigger of their displacement or changed situation is not directly linked to their affiliation as members of that minority group?

B. Methodology

19. The present report is based on a desk review of existing literature, findings from the Special Rapporteur's country visits and information received in the context of her communications procedure. Sources drawn upon include United Nations publications, and reports of other international organizations, non-governmental organizations, and academia. The report gives an overview of some of the most pressing issues at stake by analysing trends and recurring patterns worldwide regarding specific challenges facing minorities affected by crises. The challenges described below are non-exhaustive and it is important to note that minorities often face a range of additional human rights challenges owing to their very specific situation during complex emergencies.

20. While recognizing the great diversity in the experiences of minorities affected by humanitarian crises, the Special Rapporteur has adopted a global approach, focusing on common themes and patterns experienced by displaced minorities across regions. The Special Rapporteur also refers to particular examples to highlight specific challenges facing minorities. These cases are intended to be illustrative and are in no way exhaustive.

21. The Special Rapporteur hopes, through her analysis, to contribute to the better understanding of the forms of discrimination and violence that minorities face during crises and in their aftermath, and that her report can contribute to improving methods to ensure that in the context of humanitarian crises, minorities are treated in accordance with international human rights law.

[8] World Humanitarian Summit, Chair's Summary, available at: https://consultations2.worldhumanitariansummit.org/bitcache/5171492e71696bcf9d4c571c93dfc6dcd7f361ee?vid=581078&disposition=inline&op=view.

C. The need for disaggregated data

22. Although some studies on specific displacement situations affecting minorities do exist, the Special Rapporteur has observed that there is a lack of accurate, global, disaggregated data that would allow for a clearer global picture of how minorities are affected by humanitarian crises, whether driven by conflict or owing to disasters. While some ad hoc case studies are available on specific situations, much work remains to be done to better document this phenomenon globally through the collection of comprehensive disaggregated data.

23. The Special Rapporteur is aware that there are a number of reasons underlying the lack of readily available data in this field. First, there is the likely reluctance of minorities displaced or affected by crises to identify themselves as ethnic, national, religious or linguistic minorities for fear of further discrimination or violence. Second, States may be unwilling to collect such data, insofar as they do not recognize the affected minority group members as citizens, do not recognize their minority status, do not recognize they have been displaced or do not want to draw attention to specific difficulties faced by members of their societies. Finally, in displacement contexts, humanitarian agencies tend to disaggregate data mainly by sex and age, and rarely address other categories, including minority status or special needs. The lack of accurate data and needs assessment of specific groups such as minorities has therefore had an impact on the ability to develop humanitarian programmes that target and address comprehensively discrimination facing minorities in the context of crises.

24. Greater research and data is therefore required to reveal the full impact of humanitarian crises and disasters on minority communities. In particular, it is necessary to disaggregate data not only by sex and age but also by diversity categories, such as ethnicity and religion that should be determined by contextual realities. Such information, fully adhering to international standards of data protection and use, should be voluntary, and would help to predict and prevent disproportionate impacts of crises conflicts and disasters against certain communities and contribute to the development of much-needed risk assessment and early warning mechanisms.

D. Defining humanitarian crises

25. A humanitarian crisis can be defined as the experience of a country, region or society of a total or considerable breakdown of authority resulting from internal or external conflict and which requires an international response that goes beyond the mandate or capacity of any single agency and/or the ongoing United Nations country programme.

26. At the national level, this may involve internal armed conflict or hostilities within a State. At the international level, this may involve international armed conflict between two or more armed forces of different countries. Such outbreaks of conflict may cause large-scale mass movements of people, as they flee violence and chaos. This can lead to internal displacement, as well as international migration flows, as affected individuals and communities flee their homes within their own country as internally displaced persons, or migrate abroad, including through

seeking asylum. Conflict may also lead to other large-scale humanitarian crises such as epidemics, food or water insecurity, among others.

27. The Special Rapporteur also includes disasters in her report, whether natural or man-made (see section H below). Defined as calamitous events that seriously disrupt the functioning of a community or society, disasters cause human, material and economic or environmental losses that exceed the community's or society's ability to cope using its own resources. These can be a result of spontaneous natural hazards, such as hurricanes, tsunamis, earthquakes, volcanic eruptions, and wildfires, or be a result of more frequent slow-onset and mega disasters such as recurring droughts or floods. Disasters can result in the devastation of communities, loss of lives, leading to displacement, or migration, and can also lead to more complex emergencies such as loss of livelihoods, famine, housing crises and medical pandemics, which can also lead to mass displacement.

28. Technological or man-made disasters are events that are caused by humans and occur in or close to human settlements. This can include environmental degradation, pollution and accidents and can similarly cause calamitous disruptions to societies and communities.

29. It should also be noted that a range of external factors, such as climate change, unplanned urbanization, and underdevelopment/poverty can aggravate the frequency, complexity and severity of crises and their impact on populations, and in particular minority communities. Although beyond the scope of this report, the Special Rapporteur is also interested in how such aspects may impact upon minority communities, who may find themselves particularly susceptible to the negative influence of these factors, owing to their already existing situation of marginalization.

E. Relevant international and regional legal and policy frameworks for the protection of minorities affected by humanitarian crises

1. International human rights law

30. The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities adopted by the General Assembly by its resolution 47/135 on 18 December 1992, is the overarching normative framework protecting the rights of minorities. The Declaration establishes that States "shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity" (resolution 47/135, annex, art. 1, para. 1).

31. In its commentary on the Declaration (see E/CN.4/Sub.2/AC.5/2005/2, para. 24), the Working Group on Minorities stated that the protection of the existence of minorities included their physical existence, their continued existence on the territories on which they lived and their continued access to the material resources required to continue their existence on those territories, and that they should neither be physically excluded from the territory nor excluded from access to the resources required for their livelihood.

32. Core international human rights treaties further develop the principles of the inherent dignity and equality of all persons, and enshrine the rights to equality and

non-discrimination.[9] Indeed, the principles of non-discrimination and equality are the fundamental pillars of human rights and minority protection. Similarly, the right to liberty and security of person,[10] prohibition of torture and other ill treatment,[11] and the right to life[12] are relevant for the treatment of minorities in the context of humanitarian crises.

33. Given that minorities are often at risk of statelessness, the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness are also relevant. Article 9 of the 1961 Convention stipulates that "A Contracting State may not deprive any person or group of persons of their nationality on racial, ethnic, religious or political grounds".

2. International Humanitarian Law

34. Underlying International Humanitarian Law are the principles of humanity, impartiality,[13] neutrality,[14] and independence,[15] and the key norm of "Do no harm". In the context of minority rights, this is inherently interlinked with the principle of non-discrimination, and therefore all humanitarian action should therefore strive to treat minorities equally, without adverse distinction.

35. The Inter-Agency Standing Committee (IASC), the primary mechanism for inter-agency coordination of humanitarian assistance, has developed Operational Guidelines on protection of persons in situations of natural disaster.[16] This document also contains important references to minorities and an annex on the protection of specific groups, cross-referencing the relevant guidelines.

36. The International Federation of the Red Cross has also developed a Strategic Framework on Gender and Diversity for 2013-2020 which includes some important

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[9] This includes: the International Covenant on Economic, Social and Cultural Rights; the United Nations Convention on the Elimination of All Forms of Racial Discrimination; United Nations Convention on the Prevention and Punishment of the Crime of Genocide; the United Nations Convention on the Rights of the Child, and others. See Office of the High Commissioner for Refugees, "Minority rights: international standards and guidance for implementation", HR/PUB/10/3 (New York and Geneva, 2010), chap. I.A.

[10] Universal Declaration of Human Rights, articles 3 and 9; International Covenant on Civil and Political Rights, article 9; and International Convention on the Elimination of All Forms of Racial Discrimination, article 5 (a) and (b).

[11] Ibid., article 5; International Covenant on Civil and Political Rights, article 7; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and International Convention on the Elimination of All Forms of Racial Discrimination, article 5 (b).

[12] Ibid., article 3; International Covenant on Civil and Political Rights, article 6; and International Convention on the Elimination of All Forms of Racial Discrimination, article 5 (b).

[13] Office for the Coordination of Humanitarian Activities, guiding principles, Humanitarian actors must not take sides in hostilities or engage in controversies of a political, racial, religious or ideological nature.

[14] Ibid., Humanitarian action must be carried out on the basis of need alone, giving priority to the most urgent cases of distress, making no distinction on the basis of nationality, race, gender, religious belief, class or political opinions.

[15] Ibid., Humanitarian action must be autonomous from the political, economic, military or other objectives that any actor may pursue with regard to areas where humanitarian action is implemented.

[16] The Brookings-Bern Project on Internal Displacement, "Inter-Agency Standing Committee operational guidelines on the protection of persons in situations of natural disasters" (Washington, D.C., 2011), available from www.brookings.edu/~/media/research/files/reports/2011/1/06-operational-guidelines-nd/0106_operational_guidelines_nd.pdf.

points regarding the inclusion of minorities in humanitarian relief work. The Framework specifically notes the importance of diversity, and highlights that through embracing diversity, it is possible to reduce the impact of many other humanitarian problems, including violence, inequitable health care and the negative consequences of disasters.[17]

3. International Refugee Law

37. The 1951 Convention Relating to the Status of Refugees and its 1967 Protocol are the key international legal instruments defining international refugee protection obligations, at the global level. The Convention defines a refugee and the rights attached to refugee status. The 1967 Protocol subsequently removed the temporal found in the 1951 Convention. Indeed, the core principles of refugee protection as defined by the 1951 Convention and the 1967 Protocol therefore provide specific protection on the basis of persecution because of minority status.

38. The Convention also stipulates in its article 3 that "Contracting States shall apply the provisions of this Convention to refugees without discrimination as to race, religion or country of origin". Therefore, refugees arriving in a country and becoming a minority in the host country should be protected against discrimination as to race, religion or country of origin.

39. UNHCR has also developed policies and materials that provide further guidance regarding refugees on how to ensure that refugee protection responses are participatory, non-discriminatory, and sensitive to the specific needs of all persons of concern, including the specific needs of members of minority groups. Its Executive Committee (ExCom), comprising over 90 States, adopted in 2005 a General Conclusion on International Protection No. 102 which "acknowledges the important contribution of the age and gender and diversity mainstreaming strategy in identifying, through a participatory approach, the protection risks faced by the different members of the refugee community; and encourages UNHCR and its NGO partners to continue to roll out and implement on the ground this important strategy, as a means to promote the rights and well-being of all refugees, in particular the non-discriminatory treatment and protection of refugee women and refugee children and minority groups of refugees".

40. UNHCR's Age, Gender and Diversity policy (2011) specifically addresses diversity, which is understood as referring to "different values, attitudes, cultural perspectives, beliefs, ethnic background, nationality, sexual orientation, gender identity, ability, health, social status, skill and other specific personal characteristics" (see sect. II.5). It further acknowledges that "women and men belonging to national or ethnic, religious and linguistic minorities or indigenous groups often experience discrimination and marginalization, factors that are compounded in forced displacement situations. Age, gender and other specific factors may expose them to additional protection risks and discrimination." It therefore advises UNHCR staff to work closely with minority and indigenous groups to identify the risks they face as well as strategies to mitigate them, which is of fundamental importance (see sect. V.23).

[17] International Federation of Red Cross and Red Crescent Societies, "International Federation of Red Cross strategic framework on gender and diversity issues 2013-2020", available from www.ifrc.org/Global/Documents/Secretariat/201412/IFRC%20Strategic%20Framework%20on%20Gender%20and%20Diversity%20Issues-English.pdf.

41. Finally, UNHCR's *Working with National or Ethnic, Religious and Linguistic Minorities and Indigenous Peoples in Forced Displacement* (2011) is a very useful tool[18] which acknowledges the potential vulnerabilities of minorities who are displaced, and recognizes that these obstacles may be multiplied during forced displacement and increase protection risks.

4. International law on internal displacement

42. The Guiding Principles on Internal Displacement (1998) (see E/CN.4/1998/53/Add.2) are based upon existing international human rights and humanitarian law, as well as analogous refugee law, and are intended to serve as the international standard guiding States, international organizations and other relevant actors in providing assistance and protection to internally displaced persons. Principle 6.2 stipulates that "the prohibition of arbitrary displacement includes displacement: (a) when it is based on policies of apartheid, ethnic cleansing, or similar practices aimed at/or resulting in altering the ethnic, religious or racial composition of the affected population". Principle 9 further stipulates that "States are under a particular obligation to protect against the displacement of indigenous peoples, minorities, peasants, pastoralists and other groups with a special dependency on and attachment to their lands".

5. Relevant regional standards

43. At the regional level there have also been some specific instruments and references to minorities in the context of crises. The Organization of African Unity has adopted the Convention governing the Specific Aspects of Refugee Problems in Africa (1969). Furthermore, during the International Conference on the Great Lakes Region, held in 2006, 11 States adopted the binding Pact on Security, Stability and Development in the Great Lakes Region, comprising 10 separate protocols, including the Protocol on the Protection and Assistance to Internally Displaced Persons. Principles 6 and 9 of the Protocol replicate the provisions of Guiding Principles 6 and 9 referenced above on protection from displacement and on specific protection granted to indigenous peoples, minorities and other groups.

44. The above-mentioned Protocol further served as impetus for the African Union to draft the first legally binding regional instrument on internally displaced persons: the African Union Convention for the Protection and Assistance of internally displaced persons in Africa (Kampala Convention). The Convention, which was adopted in 2009 and entered into force in 2012, advances a regional approach to protecting the rights of internally displaced persons in efforts to achieve peace, security and development. In terms of minority rights protection, article 4(5) stipulates that the prohibited categories of arbitrary displacement include but are not limited to "displacement based on policies of racial discrimination or other similar practices aimed at/or resulting in altering the ethnic, religious or racial composition of the population". Article 5 of the Convention provides that "States Parties shall endeavour to protect communities with special attachment to, and dependency on, land due to their particular culture and spiritual values from being displaced from such lands, except for compelling and overriding public interests".

[18] Office of the United Nations High Commissioner for Refugees (UNHCR), "Working with national or ethnic, religious and linguistic minorities and indigenous peoples in forced displacement" (Geneva, 2011). Available from www.refworld.org/docid/4ee72a2a2.html.

45. The 1984 Cartagena Declaration on Refugees (Cartagena Declaration) is heralded as a key accomplishment in the development of the refugee protection regime in the Americas. Adopting a broad definition of who can be considered a refugee, it goes beyond the definition contained in article 1(A) of the 1951 Convention and the 1967 Protocol, by extending to "persons who have fled their country because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order." Although not binding, some States have adopted it into their national law.

46. Furthermore, in 2013, the General Assembly of the Organization of American States approved two new international legal instruments: the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance and the Inter-American Convention against all Forms of Discrimination and Intolerance. The latter is more comprehensive in the protection of vulnerable groups, including minorities, and also includes innovative formulations that specifically benefit internally displaced persons in the region. The Convention expressly forbids discrimination against internally displaced persons regarding access to public services and curtailment of rights related to employment, subsistence and political participation. Therefore the Convention can also assist in situations of discrimination against internally displaced persons who also belong to other minority groups. The Convention, however, has not yet entered into force.

F. Nexus between humanitarian crises and minority status

47. There is sometimes a direct causal link between belonging to a minority group and being affected by a humanitarian crisis. Indeed, belonging to a minority group can be a direct factor leading to displacement in the context of conflict. As has been observed by OHCHR, the "lack of respect for, lack of protection and lack of fulfilment of the rights of minorities may be at least a contributing factor if not the primary cause of displacement and may in the worst cases — even lead to the extinction of such communities. The displacement of minorities can thus serve as an indicator of the degree to which their rights are respected, protected and fulfilled in the country from which they are displaced."[19]

48. However, although there are case studies that document the direct link between minorities and humanitarian crises, research on this issue has been largely limited to ad hoc reports on specific situations or conflicts. Indeed, it is very difficult to find statistics or data on the disproportionate impact of conflict and crises of minorities.

49. Nevertheless overall trends do indicate a correlation between the impact of crises and minority status.[20] As the Special Rapporteur in her report on religious minorities (A/68/268, para. 81) has stated, information received from all regions regrettably reveals the far greater risks faced by religious minorities both in times of peace and during conflict and post-conflict contexts. Such persons may be

[19] OHCHR, "Minority rights: international standards and guidance for implementation", HR/PUB/10/3 (New York and Geneva, 2010).

[20] See A/HRC/32/35, para. 76, wherein the Special Rapporteur on the human rights of internally displaced persons noted that internal displacement disproportionately affects certain communities, including minority groups.

individually targeted or face insecurity primarily during community activities. At the level of the group, violations include forced displacement and cultural cleansing of towns, villages and other territory from "impure" and "dehumanized" religious "others".

50. Indeed, displacement of minority communities continued unabated in 2014 and 2015. In Iraq, visited by the Special Rapporteur in February 2016, the Yezidi minority have been targeted on the basis of their identity by the Islamic State, and forced to flee their homes, in particular in Sinjar, Northern Iraq. Other Iraqi minority communities, including Christians, Turkmen, and certain Sunni Arab tribes, have also been particularly exposed to attacks by members of the Islamic State.

51. Violence against minorities during conflict also can lead to long-term displacement of those minorities. For example, in 1990, the Liberation Tigers of Tamil Eelam expelled the entire Muslim population, estimated to be at least 70,000, from Northern Sri Lanka, many of whom to date have not been able to return to those lands.

52. Even outside fully fledged armed conflicts, discrimination against minority groups in societies may reach such levels that it results in hate-based crimes and leads to internal displacement. In Myanmar, violence and atrocities committed against the Rohingya, coupled with the Government's refusal to recognize their status as an ethnic minority, and denial of their citizenship, has been and is still pushing the Rohingya to flee to other parts of the country or abroad.

53. Minorities might be disproportionately affected by conflict over their lands or natural resources. For example, in Nigeria, the Special Rapporteur observed that competition for land between nomadic pastoralists and local farmers was a major conflict-generating issue in both Kaduna and Plateau States, which have often been portrayed as interreligious conflicts (see A/HRC/28/64/Add.2 para. 30).

54. Furthermore, minorities may experience disproportionate effects of conflicts owing to aggravating factors: minorities who are marginalized or poor may live in the most remote or impoverished regions or neighbourhoods, including in urban slums where humanitarian protection or even police protection is limited, and thus they may experience a disproportionate impact of crises that break out, or owing to their vulnerability and marginalization, be less well equipped in the face of emerging conflicts.

G. Specific human rights challenges facing minorities affected by humanitarian crises

55. While minorities may be affected in different ways by humanitarian crises owing to their minority status or indirectly, they may also often face specific human rights challenges and discrimination during or after potential displacement or disruption because of humanitarian crises, owing to their specific position as a member of a minority group in a society, even when the trigger of their displacement or changed situation is not directly linked to their affiliation to that minority group. Indeed, the Special Rapporteur notes that belonging to a minority, coupled with other potential discriminatory factors, such as gender, can have a dramatic impact on humanitarian protection afforded to the person.

56. On the one hand, the disadvantage experienced by minorities in terms of accessing humanitarian relief in crisis is often explained by existing logistical limitations. In crisis and conflict situations, humanitarian assistance may be concentrated in capital cities and/or in a small number of very large, officially recognized refugee or internally displaced persons camps, with very little reaching the periphery where minority and vulnerable populations may reside.

57. However, while external constraints on emergency responses, including security, access and cost, are certainly significant, they are barriers that should and could be overcome with targeted planning and design. Furthermore, while humanitarian actors need to be sensitive to risk factors during conflict, risk aversion cannot mean that humanitarian actors should prioritize the easiest-to-reach over the most vulnerable. To the contrary, a key consideration in any successful humanitarian intervention is the capacity to overcome, or at least adapt to, certain constraints to ensure non-discriminatory and equal access to humanitarian assistance for all.

58. While each crisis situation is unique, in the sections below, the Special Rapporteur highlights issues in a number of key areas of concern that can potentially lead to or heighten the vulnerability of minorities in situations of humanitarian crises.

1. Threats to existence: violence against minorities in times of crises

59. Minorities affected by crises and disasters may be specifically targeted and may be at particular risk with regard to their physical safety and security both during crises and in their aftermath. Indeed, and regrettably, many contemporary conflicts are based on superiority ideologies in which targeting minorities is one of the key drivers of the conflict (see A/68/266). Challenges facing minorities during conflict may include, inter alia, violence and xenophobic attacks against them, whether physical or verbal attacks. This could be attributed to a breakdown of law and order during conflict, or the targeting of the minority group may in fact play a role in the source conflict. In some cases, the physical integrity of minorities during conflict can even be a key aspect of the conflict, and amounting to ethnic cleansing, crimes against humanity or atrocity crimes.

60. Minorities may also experience particular restrictions on their freedom of movement during conflict and humanitarian crises, including more frequent stops or because of their identity even being blocked at border and checkpoints when attempting to flee conflicts, as well as intimidation, discrimination or even violence against them when trying to flee. For example, it has been well documented that sub-Saharan African migrants and asylum seekers, seeking to transit through countries in North Africa en route to Europe have been particularly targeted on account of their race, and suffered violence.[21] In some instances, minorities seeking asylum status may be arbitrarily detained and forcefully deported to their home countries without adequate assessment of their asylum claims[22] and/or may

[21] Amnesty International, "Libya is full of cruelty: stories of abduction, sexual violence and abuse from migrants and refugees" (London, 2015). Available from www.amnesty.org.uk/sites/default/files/libya_is_full_of_cruelty.pdf.

[22] See Urgent appeal, case No. LKA 9/2014 see also OHCHR, "Sri Lanka: United Nations experts alarmed at deportations of Pakistani asylum seekers without assessment", 14 August 2015, available from www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=14942&.

encounter particular obstacles to be registered as asylum seekers based on their minority characteristics.[23]

61. In other circumstances, including during internal conflicts, certain minorities' freedom of movement is restricted on account of their identity, owing to perceived threats that they pose. This can lead to a refusal to permit passage to safe areas and restrict access to humanitarian assistance for those individuals because of the community's identity or ethnicity. The Special Rapporteur observed this with regard to internally displaced persons in relation to Sunni Muslims in the Kurdistan region in Iraq (see A/HRC/32/35/Add.1, para. 43).

62. Violence against minorities can also be more insidious, as has been evident with the recent migration crisis in Europe. Recent protracted conflicts in the Middle East, and in particular the Syrian Arab Republic, led to mass migration flows to Europe in 2015 and 2016. However, this has also been coupled by certain xenophobic reactions against particular flows of asylum seekers and refugees fleeing crisis, which may in turn lead to more violence and insecurity against them.

2. Access to food, water and sanitation, health care, education and employment opportunities

63. Given their extreme vulnerability, minorities face additional challenges in accessing basic economic, social and cultural rights either during crises or in their aftermath. Owing to discrimination and marginalization, minorities who are affected by crises and disasters often lack proper access to water and sanitation, adequate food, and other services including health care, and to education.

64. For example, the Muhamasheen minority in Yemen have been severely affected by the Yemeni conflict, and suffer from an almost absolute lack of protection in a protracted situation of conflict crises and limited humanitarian resources. Unlike others affected by the conflict, Muhamasheen have often been displaced into open spaces or the edges of towns, making their access to resources, such as shelter, water or medical emergency assistance, even more difficult.[24]

65. The differentiated access to economic, social and cultural rights for particular minority groups in situations of displacement can often be compounded by a lack of adequate documentation. This may further impede access to humanitarian assistance, including a range of public services during crises such as health care, education, housing and employment programmes, as well as social integration. For example, the Special Rapporteur on internally displaced persons noted in his report on Serbia and Kosovo[25] that Roma, Ashkali and Egyptian internally displaced persons have been more vulnerable than other internally displaced persons in accessing basic services owing to their lack of documentation (see A/HRC/26/33/Add.2, para 20).

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[23] Human Rights Watch, *World Report: 2016 — Events of 2015* (New York, 2016).

[24] Glenn Payot, Advocacy Officer of the Minority Rights Group, advocacy statement made at the thirty-first session of the Human Rights Council, Geneva, 15 March 2016. Available from http://minorityrights.org/advocacy-statements/mrg-calls-the-attention-of-the-un-human-rights-council-on-minorities-in-yemen-and-ogiek-in-kenya/.

[25] All references to Kosovo in the present document should be understood in full compliance with Security Council resolution 1244 (1999) and without prejudice to the status of Kosovo.

66. Minority groups fleeing crises can face disproportionate obstacles in terms of accessing labour markets, when they are in camps and once they are in host communities. Discrimination and fear is often at the origin of this challenge. The right to education can also be particularly impeded, especially for children who flee a crisis and enter a country where they do not know the language.

3. Accessing housing, land and property rights

67. The issue of housing, land and property during crises and their aftermath can have important implications for minorities. Often clearly linked to the question of documentation, minorities often do not have official papers to prove their land rights. Moreover, land may have a particular meaning for minority communities, as some groups may have a particular attachment to their land or as their whole culture may rely on land. Therefore in the aftermath of crises, addressing the issue of security of tenure is essential when addressing the challenges facing displaced minorities.

68. In some cases, when conflict erupts, minorities may have their property confiscated.[26] In her report on the visit to Ukraine, the Special Rapporteur referred, among other concerns, to the loss of property by those displaced from the Autonomous Republic of Crimea, including reports of property seizure (see A/HRC/28/64/Add.1, paras. 48 and 62). Furthermore, where minorities flee or are expelled from their lands owing to conflicts or crises, and new communities have settled there, it may be particularly challenging for minorities to reclaim those lands. This difficulty can be compounded where minorities lack documentation to prove ownership rights (see A/HRC/22/49/Add.1), and in particular where ownership was established through customary law.

69. According to the Inter-Agency Standing Committee Guidelines, traditional claims of ethnic minority groups to land title and ownership in the absence of land title documents should be respected, including through providing legal advice or legal aid to such communities and advocating for the amendment of laws and procedures, where necessary, for the safeguard of their land rights.[16]

4. Forced returns

70. Minorities may also be at particular risk of forced return, either in the context of an ongoing humanitarian crisis or once such a crisis is deemed to have ceased. Return always needs to be voluntary, and carried out in safety and dignity in participation and consultation with minorities. Regrettably, the Special Rapporteur has observed with concern examples of minorities forcefully deported back to situations of crises or persecution.[27]

71. Returns following the cessation of conflict have been extensively documented, in particular in connection with the return of Roma from Western Europe to the

[26] OHCHR, "Iraq: impact of conflict on minorities 'devastating' — United Nations experts", 25 July 2014, available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?LangID=E&NewsID=14904.

[27] OHCHR, "Sri Lanka: United Nations experts alarmed at deportations of Pakistani asylum seekers without assessment", 14 August 2014, available from www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=14942&.

Balkans.[28] Where deportations take place without consent, minorities may face numerous obstacles to their basic human rights, including lack of access to personal documents and statelessness; problems repossessing their property or obtaining housing; difficulties accessing education, health, employment and social welfare; and separation from family members. In some cases, loss of temporary protection status in host countries and the forced repatriation to their countries of origin, coupled with the lack of adequate policies for the integration of returnees, have resulted in minority communities being forced into continuous migration.[29]

5. Specific vulnerable groups

(a) Stateless persons

72. Minorities are often disproportionately affected by statelessness (see A/HRC/7/23, para. 20),[30] as a result of discriminatory nationality and citizenship legislation which may deny or deprive the citizenship for some ethnic, linguistic, racial or religious groups, or because of discriminatory implementation of nationality laws on similar grounds. Minorities can also be at higher risk of statelessness as a result of lack of access to personal documentation.

73. Stateless persons are particularly vulnerable as they do not enjoy the right to nationality or any of the corresponding human and civil rights, and they may be targeted, or not adequately protected, by national authorities. In times of humanitarian crises, conflict or natural disasters, this lack of protection can be particularly acute. Statelessness can often be a root cause of forced displacement, particularly in times of crises. Forced displacement can in turn heighten the risks of becoming stateless, particularly as documents may be lost in flight.

74. In Myanmar, for example, discriminatory citizenship laws have led to the statelessness of the Rohingya, who continue to face particular obstacles in accessing humanitarian assistance, which was particularly highlighted during the outbreak of violence in 2012 (see A/HRC/32/18, paras. 19 and 26).

75. In particular, it can be especially challenging for minorities affected by crises to obtain documentation or the replacement of lost or destroyed documentation given their status as minorities and as displaced persons (see A/HRC/26/33/Add.2, para. 21).

(b) Minority women and girls

76. Owing to multiple and intersecting forms of discrimination, specific challenges face minority women and girls affected by humanitarian crises. According to the General Recommendation on women in conflict prevention, conflict and post-conflict situations of the Committee for the Elimination of

[28] For example, see Human Rights Watch, "Rights displaced: forced returns of Roma, Ashkali and Egyptians from Western Europe to Kosovo", 27 October 2010, available from https://www.hrw.org/report/2010/10/27/rights-displaced/forced-returns-roma-ashkali-and-egyptians-western-europe-kosovo.

[29] Angela Mattli and Stephan Müller, "Lost in transition: the forced migration circle of Roma, Ashkali and Balkan Egyptians from Kosovo" (Ostermundigen, Switzerland, Society for Threatened Peoples, 2015). Available from https://assets.gfbv.ch/downloads/kosovobericht_low_doppelseiten_online.pdf.

[30] Denial or deprivation of citizenship and statelessness affects some 15 million people in 49 countries, particularly those belonging to minority groups.

Discrimination against Women (see CEDAW/C/GC/30, para. 36), during and after conflict specific groups of women, including, inter alia, internally displaced and refugee women, women of diverse caste, ethnic, national or religious identities, or of other minorities, are at a particular risk of violence, especially sexual violence. These groups of women "are often attacked as symbolic representatives of their community". The Committee has further noted that stateless women and girls face heightened risk of abuse during conflict, owing to, among other factors, their minority status (ibid, para. 60). Minority women may be particularly at risk of sexual and gender-based violence and other forms of violence, including slavery and trafficking. The Special Rapporteur was deeply troubled and saddened when she listened to the testimonies of Yezidi women in Iraq of sexual and gender-based violence committed against them by Daesh, which acts must be fully investigated and their perpetrators prosecuted.[31]

77. Furthermore, during conflicts, natural disasters and other emergencies, sexual and reproductive health needs are easily overlooked: This may be particularly compounded for minority women who may be less able to access already limited humanitarian services during crises, for many of the reasons noted above.[32]

78. Minority women also face specific obstacles in terms of accessing and protecting their rights to land and property during crises. Where they are not entitled to own, inherit, or rent, women, and in particular minority women may find it impossible to find safe housing. They may also be unable to enforce their inheritance rights or claim jointly owned or matrimonial assets, especially if they mislay their marriage documents, or these have been destroyed or never existed, which may particularly affect minority women who are married under traditional or customary law not recognized by the State.

H. Minorities and disasters brought about by natural or man-made hazards

79. Evidence indicates that minority communities may be more vulnerable to disasters, both natural and human-made, insofar as they may be both inadequately prepared for such emergencies, and disproportionately affected by them. Furthermore, experience has demonstrated that minority communities are also less likely to be equal beneficiaries of adequate humanitarian aid and/or rehabilitation when or after disasters strike.

1. Vulnerability to disasters

80. The reasons for the differentiated experience of minorities in the context of disasters are multiple. In terms of increased vulnerabilities, the Special Rapporteur notes that this may be due to the fact that disadvantaged minorities may reside in remote and marginal areas that are more susceptible to disasters, or have fewer

[31] See Rita Izsák-Ndiaye, Special Rapporteur on minority issues, statement on conclusion of her official visit to Iraq, 27 February to 7 March 2016, available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17157&LangID=E.

[32] Paola Salwan Daher, Global Advocacy Adviser of the Centre for Reproductive Rights, oral statement at the seventh session of the Forum on Minority Issues, Geneva, November 2014. Available from www.ohchr.org/Documents/HRBodies/HRCouncil/MinorityIssues/Session7/item6/Participants/Center%20for%20Reproductive%20Rights.pdf.

resources to evacuate easily. For example, the location of minority homes and settlements may be on the periphery of more established neighbourhoods in areas more susceptible to disasters such as floodplains, coastal towns, and unstable hillsides, or more closely situated next to landfills or other undesirable sites that may be potential locations of man-made disasters. Marginalized minorities may also reside in slum areas or shantytowns, or more remote regions which often are lacking basic infrastructure, and may therefore be particularly at risk during disasters (see A/HRC/31/56, para. 92).

81. There are numerous examples from around the globe of where minorities have been particularly affected by natural disasters. In 2014, floods in Bosnia and Herzegovina had a disproportionate impact on particular Roma communities.[33] In 2005, Muslims in the south, south east and the east coast of Sri Lanka were the worst affected by the tsunami that hit the country. China, for example, is one of the countries with the highest occurrence of disasters, which disproportionately affect rural areas of the country where ethnic minorities reside.

2. Access to humanitarian aid

82. Unfortunately, minorities may not only be disproportionately impacted by disasters, but also may experience discrimination in terms of equal access to humanitarian aid in times of disasters, a discrepancy which often then extends to the rehabilitation phase, thereby keeping minorities socially and economically behind in their longer-term recovery from such events.

83. As noted in her report of 2016 to the Human Rights Council, the Special Rapporteur observed that an analysis of emergency responses to natural disasters in South Asia, including in India, Pakistan, Sri Lanka and Nepal, has demonstrated that Dalits, for example, have suffered from acute discrimination throughout all the phases of disaster response, from rescue to rehabilitation (see A/HRC/31/56, para 93).

84. This was also the case regarding the 2005 Hurricane Katrina, which wreaked havoc across the United States Gulf Coast. While the hurricane led to one of the greatest episodes of internal displacement in United States history, with over a million people forced from their homes and communities, the disaster also had a clear racial dimension. In terms of evacuation, in the state of Louisiana for example, the funded evacuation plan relied on personal vehicles as the primary means of escape. However, Black Americans, who constituted the majority of the pre-Katrina population of New Orleans, were less likely to own cars than whites, and therefore faced a serious disadvantage. Another example comes from Pakistan, where there are allegations that members of the Ahmadivya Muslim community did not receive equal access to humanitarian services in the aftermath of the catastrophic 2010 floods.[34]

85. The Special Rapporteur does not suggest that an intention of direct discrimination by humanitarian relief providers is necessarily always the cause of

[33] Michelle Yonetani, "Global estimates 2015: people displaced by disasters" (Geneva, Internal Displacement Monitoring Centre, Norwegian Refugee Council, 2015). Available from www.internal-displacement.org/assets/library/Media/201507-globalEstimates-2015/20150713-global-estimates-2015-en-v1.pdf.

[34] Atif M. Malik, "Denial of flood aid to the Ahmadiyya Muslim community of Pakistan", 2011, available from https://cdn2.sph.harvard.edu/wp-content/uploads/sites/13/2013/06/Malik-FINAL2.pdf.

differential treatment of minorities in the aftermath of disasters. Politically dominant areas may happen to be more accessible to points of entry for finance, materials and relief personnel, a situation often referred to as "tarmac bias".

86. However, State actors are primarily responsible for the organization and distribution of humanitarian relief. Moreover, there are proven cases of inharmonious or strained relationships between the majority State and the minority-affected groups, which may impact upon relief efforts, including for international organizations where control is maintained at the national level. This is a stark reminder that when human rights are not sufficiently accounted for, the consequences in disaster relief include unequal access to assistance and discrimination, in which aid agencies can become unintentionally complicit.

87. Furthermore, other reasons more linked to the institutionalized discrimination experienced by marginalized minorities may also play a more critical role in explaining the disparate experience of minorities in accessing humanitarian relief in post-disaster settings. For example, minority communities are often isolated from or mistrust the institutions, organizations and agencies responsible for emergency planning and response. As noted in the 2015 report of the Special Rapporteur (A/70/212) to the General Assembly, relations between minority communities and law enforcement are often problematic. Complaints of both over-policing and under-policing, along with allegations of police abuse are a common part of the minority experience. Given that these same agencies often play a fundamental role as first responders in times of humanitarian crises, the distrust of law enforcement and the justice system, and social and political isolation may pose barriers to effective relief efforts.[35]

88. Moreover, a critical component of all emergency planning and assistance is communication. In order to reach vulnerable individuals, emergency plans and information must be disseminated before, during and after emergencies and disasters. Particularly for minority groups whose members have limited proficiency in the majority language, receiving adequate information during times of disaster may be a significant challenge. Even multilingual efforts — because of difficulties in developing culturally tailored materials — may fall short of providing equal and effective information.

89. Effective and adequate planning can be essential for communities living in regions that are prone to such events. However, minority and disempowered populations may be at a disadvantage in securing equitable policy decisions from elected and appointed official bodies through conventional processes because political power tends to be asymmetrical.

3. Impact of emergency response failures

90. Emergency response failures can have catastrophic consequences, including loss of the ability to work or live independently, permanent injury and even death. For minorities who are likely to suffer disproportionate harm in disaster, this can be compounded. Thus, the needs of minorities must be addressed during all three phases of emergency response operations — pre-event planning and preparation, the event and recovery.

[35] See International Committee of the Red Cross, *To Serve and To Protect: Human Rights and Humanitarian Law for Police and Security Forces* (Geneva, 2014).

91. There are long-lasting consequences for failing to properly integrate principles of non-discrimination and the protection of minorities into disaster response planning. If minorities perceive themselves to have received lesser treatment during such disasters, this may fuel not only distrust in authorities but could actively contribute to fuelling future ethnic conflicts and tensions between the minority communities and other communities or the State. Indeed, and in particular in fragile societies where relationships between minority communities and majorities are already strained, relief and reconstruction responses must not operate as stand-alone natural disaster responses, but also always consider the broader human rights implications of their approaches.

92. Finally, while internal displacements due to disasters have traditionally been for short periods, their increased frequency and severity, including owing to climate change, point to more chronic situations likely to involve new, more prolonged or definitive displacements — and requiring more comprehensive displacement responses, in particular taking into account the needs of minorities. Moreover, recurrent disasters, such as more frequent flooding for example, can significantly impact the resilience of the people living in disaster-prone areas, including owing to destruction of livelihoods and destruction of homes and basic infrastructure.

I. Challenges facing displaced minorities in the search for durable solutions

93. Minorities may face particular challenges in the search for durable solutions, which can include returning to places of origin (for internally displaced persons) or voluntary repatriation (for refugees) once crises or disasters have subsided, or alternatively settlement elsewhere in the country (for internally displaced persons) and resettlement to a third State (for refugees) in host communities.

94. In terms of return or repatriation, minorities may face particular obstacles, if they fled owing to violence perpetrated against them because of their minority status and the root conditions of that violence have not been resolved. Minorities may also be reluctant or unable to return home where, upon returning to their place of origin or habitual residence they have become even more marginalized because the conflict or disaster has for instance changed the demographics of an area. Furthermore, return or repatriation is often more difficult for those who have no land to return to, which may often be the case for marginalized minorities who may not have security of tenure over their lands.

95. Local integration and settlement in new communities can be particularly challenging for minorities who are internally displaced persons and refugees, as they need to adapt to new environments, with no support networks, and may be victims of discrimination with host communities.

96. Although the resettlement of refugees to third countries from refugee camps makes up only a very small percentage of all durable solutions, there is also the worrying concern that certain ethnic or national minorities are routinely excluded from such programmes.

IV. Conclusions and recommendations

97. **In view of the fact that the 9th Forum on Minority Issues, which will take place in Geneva on 24-25 November 2016, will enable further reflection on this topic, and elaborate a report with a set of concrete recommendations regarding minorities in situations of humanitarian crisis which will be submitted to the Human Rights Council in 2017, the Special Rapporteur will now limit herself to the general concluding observations and recommendations described below.**

98. **The current global humanitarian context is alarming. Ongoing and protracted conflicts are leading to massive displacement crises: there are unprecedented numbers of refugees and internally displaced persons, and inter-ethnic and interracial tensions and conflict are erupting in nearly every region of the world. Many conflicts threaten to further deteriorate, and new conflicts are emerging. These conflicts are often rooted in power struggles, identity politics, competition for resources, rising income disparities and socioeconomic inequalities, and increasing polarization of societies, making national, ethnic, religious and linguistic minorities particularly vulnerable; indeed many of the persons who flee their countries for fear of persecution are members of minority groups targeted precisely because of their minority identity. Furthermore, with the impact of climate change, disasters are becoming all too frequent and widespread, further affecting minorities.**

99. **In this regard, the Special Rapporteur believes that the international community must better recognize the vulnerability of minorities in crisis situations, develop more targeted strategies and invest more to respond to them. Although the identification of minority groups in a situation of crises might be difficult, protection mechanisms, including humanitarian assistance programmes, need to be designed in a way which addresses their specific needs and enable these groups to avoid undue disparate impacts as well as retain their identity.**

100. **This means that the humanitarian system needs to make a concerted effort to ensure that their responses meet people who are hard to reach and address the specific needs of minority communities. Efforts need to take into account the vulnerability of minorities to displacement and multiple forms of discrimination during crises, as well as the specific challenges facing minorities affected by crises owing to their very situation as minorities, including through paying particular attention to a range of issues, notably, security and safety; documentation; standard of living; livelihood and employment; education; housing, land and property issues and the particular status of minority women and girls. Attention also needs to be paid to those most vulnerable within minority communities, including women, older persons, persons with disabilities, and youth among others.**

101. **To this end, the collection of data disaggregated by ethnicity, religion and language is essential to adequately map affected groups in humanitarian crises and natural disasters. Data collection programmes should allow for diverse forms of self-identification and comply with international standards regarding the right to privacy. Furthermore, national authorities should collect and share data on all causes of displacement in their country. Equality and anti-discrimination laws and legal protection of minorities, and other**

potentially vulnerable groups should be in place and include provisions relating to the prohibition of unlawful displacement.

102. Humanitarian responders, whether national or international, should also receive training to better understand the minority rights framework in order to be able to better identify discrimination against minorities in situations of crisis, and to be better equipped to be able adequately to respond to their needs. Recruitment of minorities into humanitarian agencies should be encouraged.

103. In particular, the international community should continue to support national Governments' humanitarian response capacity, through training, technical assistance, financial commitments, with a view to strengthening national protection and response mechanisms on minorities in situations of crises; addressing the immediate humanitarian and protection needs of affected minorities; and promoting durable solutions for affected minorities. Just as humanitarian agencies have gender focal points and gender policies, it could be useful to establish similar organizational structure and policies for minorities.

104. In terms of disasters, all actors should strive to mitigate the adverse impact of natural hazards on communities, for example through effective disaster risk reduction and mitigation measures, especially in areas prone to recurrent disasters, through including minorities in disaster risk reduction programmes from the outset. Overall, the Special Rapporteur notes that much can be done to anticipate and address the needs of at risk minorities during catastrophic events. Adequate planning will go far to minimize the extent to which these groups suffer disproportionately and experience devastating outcomes. Responsible emergency preparedness and response efforts that incorporate a minority rights approach, ensuring that minority voices can raise their concerns and opinions regarding relief and recovery efforts, can be critical to preventing disasters from having a disproportionate impact on, or further ravaging the lives of minority communities.

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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Enjoyment of human rights by persons with albinism

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Independent Expert on the enjoyment of human rights by persons with albinism, Ikponwosa Ero, in accordance with Human Rights Council resolution 28/6.

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Report of the Independent Expert on the enjoyment of human rights by persons with albinism: a preliminary survey on the root causes of attacks and discrimination against persons with albinism

Summary

In the present report, the Independent Expert considers how interrelated factors, including myths, poverty, witchcraft practices and other aggravating factors such as visibility and appearance, contribute to ongoing outbreaks of attacks against persons with albinism and exacerbate pre-existing contexts of discrimination and stigma. The report is not aimed at providing a final analysis of root causes, but at igniting preliminary discussions to facilitate subsequent conclusive work on the subject.

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I. Introduction

1. In its resolution 28/6, the Human Rights Council requested the Independent Expert on the enjoyment of human rights by persons with albinism to report annually to the General Assembly.

2. This is the first report to the General Assembly of the Independent Expert on the enjoyment of human rights by persons with albinism, Ikponwosa Ero. It serves as an introduction to the root causes of attacks and discrimination against persons with albinism. Specifically, it shows how interrelated factors, including the mythologization of albinism and a related lack of understanding of the scientific bases of the condition, poverty, witchcraft practices and other aggravating factors, such as visibility and appearance, all contribute to ongoing outbreaks of attacks and discrimination against persons with albinism.

3. In preparing the report, the Independent Expert reviewed relevant literature on the topic and analysed responses to a questionnaire sent to Member States, national human rights institutions and civil society organizations. In addition, she has included in this preliminary study outcomes generated from the recently concluded Consultative Forum: Action on Albinism in Africa, hosted by the Independent Expert in Dar es Salaam, from 17 to 19 June 2016. However, given the limited availability of data and in-depth studies based on field research on the topic, the present report does not aim to provide a final analysis of the issue but rather seeks to be indicative by presenting plausible root causes based on available data in order to facilitate subsequent conclusive work on the subject.

II. Root causes

A. Myths

4. Over the centuries and across the world, myths about albinism have been developed and have taken deep root in various cultures. Widespread and long-term ignorance about the condition has given birth to myths, some of them age-old and most of them erroneous. Such myths can be found in various regions of the world, as evidenced in the pejorative names used for persons with albinism across cultures and continents, including "dry pigeon peas", "ghost", "chicken", "strange being", "monkey", "fake white man", "goat" or the "devil in person".[1]

5. Some myths seek to explain albinism and address the reason why a person has the condition. Others attribute specific powers to persons with albinism, demonstrating fear of the unknown and the desire to distance oneself from them. Another group of myths presents ostracism, exclusion and discrimination against persons with albinism as a natural necessity. A number of these myths are highly concerning, as they seek to strip persons with albinism of their humanity and represent them as a means to an end as opposed to an end in themselves.

[1] Under The Same Sun, "Names used for PWA", www.underthesamesun.com/sites/default/files/Names%20used%20for%20PWA.pdf.

On the origins of albinism

6. Albinism is a condition that results in a significant or near total lack of pigmentation in any or all of the skin, hair and eyes. The most significant human rights issues have emerged from myths linked to the form of albinism involving a lack of pigmentation in the skin. This is also the most visible form of albinism. All forms of albinism are together understood as rare, non-contagious, genetically inherited and occurring in both sexes, regardless of ethnicity, in all countries of the world. However, in most communities around the world, albinism is not fully understood.

7. Myths about albinism include the belief that a child with albinism is a curse meted out on the mother or family of the child. It is also sometimes believed that children with albinism are the result of their family's or parent's evildoing and they are therefore considered a punishment to the whole family and community.[2] In most cases, the blame for having a child with albinism is often attributed to the mother because the curse is believed to be matrilineal, transmitted by the mother's side of the family. There are also beliefs that women who give birth to children with albinism are unclean, or even in some cases witches.[3] A similar myth is that the mother of a child with albinism stepped onto something evil, leading to a curse on the whole family.

8. Similarly, myths accuse the mothers of children with albinism of having been unfaithful, specifically for having extraconjugal affairs with a white man,[4] with a ghost or with a spirit such as the *tokolosh* (a malevolent spirit in the Shona tradition). There is also a myth that children with albinism are the product of incest.[5]

9. Further, it is also sometimes believed that albinism can be contracted by being in contact with albinism. The same myth is extended to things that have been touched by persons with albinism. There are also beliefs that if a pregnant woman looks at a person with albinism, even unintendedly, her unborn child will be born with albinism, unless she spits to neutralize the "curse".[6] Persons spit at the person with albinism, on the floor, inside their shirts or on their stomachs in the case of pregnant women. One mother of a child with albinism reported that she gave birth to a child with albinism for having herself stared too hard at a person with albinism while fetching water during her pregnancy.

10. Other myths seek an explanation in existing traditional beliefs associated with childbirth. It has been reported, for example, that the birth of children with albinism could be linked to the "snake inside the woman" turning away from that pregnancy.[7] The snake is considered the protector of the pregnancy, monitoring it. Other explanations are that a child born with albinism was conceived when a woman had

[2] Relebohile Phatoli, Nontembeko Bila and Eleanor Ross, "Being black in a white skin: beliefs and stereotypes around albinism at a South African University", in *African Journal of Disability*, vol. 4, No.1, (2015).

[3] Muthee Thuku, "Myths, discrimination and the call for special rights for persons with albinism in sub-Saharan Africa", January 2011.

[4] Ibid.

[5] Ibid.

[6] Relebohile Phatoli, Nontembeko Bila and Eleanor Ross, "Being black in a white skin" (see footnote 2).

[7] Ibid.

intercourse while she was menstruating.[8] Further, some mythological beliefs seek to explain the condition by advancing that the mother of the child with albinism was struck by lightning[9] or that albinism occurs when a mother does not consume enough salt in her diet.

11. The lack of understanding of the condition is also illustrated by myths that persons with albinism cannot have children who do not have albinism, or that they are sterile.[10] Furthermore, it is often believed that persons with albinism can only be found within one's proximate race; consequently, the worldwide status of the condition is often not generally known. This narrow understanding of the frequency of albinism feeds into myths which present the condition as a particular problem supernaturally aimed at specific women and families.[11]

12. It is evident that none of these myths are true, yet they demonstrate the lack of understanding of the genetic nature of albinism. This absence of scientific knowledge and the resort to myths to provide explanations concerning albinism lead to discrimination against persons with albinism and their families, mothers in particular. However, this should not lead to the conclusion that public education alone will eradicate these myths. Evidence shows that even where the truth and the scientific basis of albinism are known, they can co-exist with myths.[12] Scientific explanations of the origins of albinism can answer the question "why?". But they fail to answer particular, localized and personal questions such as "why in this particular person?" and "why at this particular time and place?". The inability of science to answer these questions means that many turn to explanations proposed by supernatural beliefs such as witchcraft, and its practitioners, also known as witchdoctors.[13]

Special powers

13. Myths attributing special powers or qualities to persons with albinism tend to dehumanize persons with albinism. Such myths do not seek to provide an explanation for the condition but aim to single out persons with albinism by imputing non-human or superhuman features to them.

14. This is the case, for example, in the myths that persons with albinism cannot see during the day but have excellent vision at night,[14] that desirable minerals such as mercury and gold flow through their veins or that they float on water and cannot drown. Other myths seeking to dehumanize persons with albinism include those portraying them as cannibals or monstrous creatures in certain folktales, literature and films,[15] or claiming that they can communicate with non-earthly or extraterrestrial beings.

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[8] Muthee Thuku, "Myths, discrimination" (see footnote 3).
[9] Relebohile Phatoli, Nontembeko Bila and Eleanor Ross, "Being black in a white skin" (see footnote 2).
[10] Muthee Thuku, "Myths, discrimination" (see footnote 3).
[11] Ibid.
[12] Charlotte Baker and others, "The myths surrounding people with albinism in South Africa and Zimbabwe", *Journal of African Cultural Studies*, vol. 22, No. 2 (2010).
[13] Michael Bourdillon, *The Shona Peoples* (Gweru, Zimbabwe, Mambo Press, 1987), cited in Charlotte Baker and others, "The myths surrounding people with albinism" (see footnote 12).
[14] Muthee Thuku, "Myths, discrimination" (see footnote 3).
[15] Relebohile Phatoli, Nontembeko Bila and Eleanor Ross, "Being black in a white skin" (see footnote 2).

15. Furthermore, myths also portray children with albinism as symbols of evil spirits that need to be chased away. To do so, it appears that rituals are conducted whereby the child is forced to drink a potion or go through other ritual ceremonies and trials by ordeal.

16. Most potent is the belief that persons with albinism can be used in money-making rituals and for good luck charms and amulets. The crux of this belief is the notion that the body parts of persons with albinism — their skin, hair, genitals and limbs — can generate financial and other desirable gains when used for witchcraft rituals, practices and paraphernalia.

17. There is also the myth that intercourse with female persons with albinism can cure infertility, sexually transmitted infections and, in particular, HIV/AIDS. This has led to the rape and forced prostitution of women and girls with albinism, some of whom end up contracting various infections. Cases have been reported of young girls with albinism being prostituted by their family to customers who thereby expect to be cured of HIV/AIDS. It is believed that cases of this sort are underreported owing to various factors, including a pre-existing context of myth-led discrimination against persons with albinism, the stigma of reporting rape and the likelihood of further abuse. Such lack of reporting is bound to aggravate the already oppressed and disenfranchised situation of women and girls with albinism.

Myths that supernaturalize persons with albinism

18. Beliefs that attribute supernatural qualities to persons with albinism serve only to dehumanize them. Such beliefs deify or demonize persons with albinism, and present as natural the exclusion, stigma and discrimination they face. This is the case, for example, in the widespread myth that persons with albinism do not die, but simply disappear. This myth is particularly disturbing because it justifies any sudden and inexplicable disappearance of a person with albinism from his or her community. This belief poses a strong risk to persons with albinism by proactively providing an acceptable explanation to the community for the disappearance of a person with albinism after an attack. Further, the existence of such a myth supports the hypothesis that violations of the life and security of persons with albinism predate the contemporary attention given to the issue.

19. The myth that persons with albinism naturally have a short lifespan is also prevalent. It appears to supply an explanation for the relatively high frequency of early deaths among persons with albinism. Such early deaths, which particularly correlate with the myth that persons with albinism disappear, also appear to be strongly linked to the prevalence of skin cancer and the high number of early to midlife fatalities recorded among them on account of this preventable disease. There is an urgent need to address this disease through the provision of both preventive and curative measures that are accessible and affordable or free, particularly in rural areas.

20. Similarly, myths that persons with albinism are destined to experience poor fortune and cannot do well in life are also a reflection of the discrimination they face on a daily basis. Unfortunately, too often, given the myth-driven historical context of discrimination, there is a disproportionately small number of persons with albinism able to disprove this myth with the example of their lives. Other beliefs, that persons with albinism are unable to learn or are mentally challenged, illustrate the particular discrimination they face regarding access to education,

including persistent bullying and the absence of reasonable accommodation for the vision impairment that is often part of albinism.

21. There are rare cases where persons with albinism are deified or viewed as having godlike qualities. For example, the Guna people in Latin America give a special place to persons with albinism as protectors. Tales of persons with albinism being considered as water deities or as natural chiefs have also been reported. While deification and positive supernaturalization of persons with albinism may appear to be desirable, this is not an ideal state because the person with albinism is still the subject of myths unfounded on fact or science. Consequently, their dignity remains grounded in subjective narratives and not in their objective status as human beings.

B. Impact of myths on persons with albinism

22. Myths yield several interrelated consequences. According to contributions received by the Independent Expert, these consequences are manifested in the lives of persons with albinism in the form of abandonment by their families; normalized isolation and discrimination by their communities; vulnerability to attacks; and infanticide.

Abandonment by the family

23. In areas where myths are prevalent, the birth of a child with albinism is often viewed as a social tragedy. Ridicule, blame-throwing, harrowing family intervention and pressure placed on parents or on the mother of the child are commonplace. Because of the social stigma attached to having a child with albinism, fathers of children with albinism sometimes decide to abandon their partners, leaving those children to be brought up in challenging conditions by single mothers. Often, such a single mother and her child are further relegated to the fringes of the community to avoid contaminating others with her "curse". In other instances, mothers voluntarily relocate away from the community to minimize taunts and harassment from others. Therefore, raising a child with albinism in these contexts, either as a single mother or in a family, is synonymous with a life of exclusion and poverty — one that leaves the child with albinism vulnerable to both sexual and physical attack, as has been demonstrated by reported cases. In other cases, children with albinism have been abandoned or rejected from their birth by both mother and father and have grown up in orphanages and on the streets.

Normalized isolation and discrimination

24. In an environment where having albinism is regarded as a curse and where the myth that albinism can be contracted like a contagious disease is prevalent, crossing the road to avoid walking near[16] or refusing to shake hands with persons with albinism is commonplace.[17]

[16] Nathalie Wan, "'Orange in a world of apples': the voices of albinism", *Disability and Society*, vol. 18, issue 3 (2003) and R. Onoja and A. Airahoubor, "Albinos: tales of mockery, rejection" *Newswatch*, 18 December 2006, quoted by Charlotte Baker and others, "The myths surrounding people with albinism" (see footnote 12).

[17] Charlotte Baker and others, "The myths surrounding people with albinism" (see footnote 12).

25. In addition, such fear of contagion can be extended to objects touched by persons with albinism. In the words of a person with albinism, "some people will not touch what I touch. In the bus no one wants to sit next to me. People don't want to shake hands with me, share utensils, touch me or come near".[18] Similarly, another person with albinism reported that people refuse to share a taxi with him.[19] Further, as a result of such beliefs, people are sometimes reluctant to eat any food that has been touched by persons with albinism. This is particularly stigmatizing in a context where persons eat from a common pot. It also raises difficulties for persons with albinism working at markets, as customers may prefer other sellers.

26. Family members, friends and service providers are not immune to the practice of self-distancing from persons with albinism. This is illustrated by the following testimony of a person with albinism: "my mother distances herself from me ... I had girlfriends who preferred to quietly meet me away from the public. You go to a party; they won't want to dance with you".[20] Similarly, it was reported that, in certain cases, nurses and other medical professionals, including physicians, were reluctant to touch or treat patients with albinism.[21] In such a context, it is not uncommon that persons with albinism self-limit their interactions within the community and shy away from attending school.

Vulnerability to attacks

27. Community support and integration have been identified as key protection measures for persons with albinism. Therefore, excluding and ostracizing persons with albinism have a direct impact on their safety and make them more vulnerable to attacks. Ostracized and physically distanced, those who are in most dire need of protection are rendered more vulnerable. The exclusion of mothers of children with albinism by their family and community throws them into deep poverty. Not only are these women physically distanced from others, they tend to live in insecure homes, which leaves them easy prey to perpetrators of attacks. They are often left exposed to attacks where no one will respond in time, or at all, to their call for help.

28. Similarly, myths contribute to minimizing the social impact of attacks against persons with albinism and justify their disappearance. In this regard, the testimony of a digger is telling as he explains that myths are used to "deceive people because the *waganga* [witchdoctors/traditional healers] believe that the *zeruzeru* [a pejorative term for a person with albinism] aren't missed in the community. They believe that they are not useful people and if they die they are not lost".[22]

29. In addition, the myths fuel the discrimination and abuse to which persons with albinism are subject at school, and this increases bullying, taunting and harassment,

[18] Ibid.

[19] Relebohile Phatoli, Nontembeko Bila and Eleanor Ross, "Being black in a white skin" (see footnote 2).

[20] R. Onoja and A. Airahoubor, "Albinos: tales of mockery, rejection", *Newswatch*, 18 December 2006, quoted by Charlotte Baker and others, "The myths surrounding people with albinism" (see footnote 12).

[21] M. Masha, "What kind of black are you?" *The Tanzania Guardian*, 2004, and C. Baker and M. Djatou, "Literary and anthropological perspectives on albinism" in *Crossing Places: New Research in African Studies* (Cambridge Scholars Publishing, 2007), quoted by Charlotte Baker and others, "The myths surrounding people with albinism" (see footnote 12).

[22] Deborah Bryceson, Jesper Jønnson and Richard Sherrington, *Miners' Magic: Artisanal Mining, the Albino Fetish and Murder in Tanzania* (Cambridge University Press, 2010).

which in turn increases their dropout rates. High dropout rates throw them into a cycle of poverty that is hard to break. Poverty in turn predisposes them to abuse and exposes them to attack.

Infanticide

30. One of the most extreme consequences of adhering to myths concerning albinism is infanticide. Although cases of infanticide of children with albinism are very hard to document, anecdotes and folk stories about the killing at birth of such children, particularly in rural areas, are common.

31. This seems to be a historical trend, as the nineteenth century Scottish missionary David Livingstone described the killing of a young boy with albinism by his mother: "the mother is said to have become tired of living apart from the father, who refused to have her while she retained their son. She took him out one day, and killed him close to the village of Mabotsa, and nothing was done to her by the authorities".[23]

32. Such stories have also been reported in contemporary times. Village folklore describes how mothers are advised by midwives to sit on their babies or asphyxiate them at birth if they have albinism. In other cases, it seems that the child is left to die, with no food. Similarly, it has been reported that children with albinism have been instantly killed at birth for fear of the shame attached to the condition, or because of a belief that they bring bad luck.[24] Other folklore describes practices such as drowning children with albinism in a lake or placing babies with albinism at the exit gate of a cow pen, where they are left to die from being trampled on by cattle.[25] Still other folklore recounts the ritual killing of children with albinism, who have been accused of being witches, by putting them in bags and smashing the bags against a tree.

C. Witchcraft beliefs and practices

Definition

33. The Oxford dictionary defines witchcraft as "the practice of magic, especially black magic; the use of spells and the invocation of spirits". However, it appears that witchcraft has many connotations and is subject to many interpretations, such that "objective definitions of witchcraft are unsatisfactory because its real meaning derives from relationships, shared experiences and individual feelings", and consequently "meanings of witchcraft are so varied because the concept is so versatile".[26]

34. The Witchcraft and Human Rights Information Network stresses that there is no universally accepted definition of witchcraft and the term means different things to different people in different places. Primarily witchcraft can be seen as a negative, malevolent force which is used by people in the spirit realm to bring about

[23] David Livingstone, *Missionary Travels and Researches in South Africa*, 1857.

[24] Methusela Masanja, Zebedayo Mvena and Kim Kayunze, "Albinism: awareness, attitudes and level of albinos' predicament in Sukumaland, Tanzania" in *Asian Journal of Applied Science and Engineering*, vol. 3, No. 5 (2014); Deborah Bryceson, Jesper Jønnson and Richard Sherrington, *Miners' Magic* (see footnote 22).

[25] Under the Same Sun, contribution to the mandate of the Independent Expert, unpublished.

[26] Malcolm Gaskill, *Witchcraft: A Very Short Introduction* (Oxford, 2010).

harm in the physical realm.[27] In 1974, Marc Augé defined witchcraft as "a set of beliefs, structured and shared by a given population, that addresses the origin of misfortune, illness and death, and a set of practices for detection, treatment and punishment that corresponds to these beliefs".[28]

35. Some countries with a record of attacks against persons with albinism have identified as a major problem the ambiguity between witchcraft on the one hand and the practice of traditional, herbal or alternative medicine on the other. This is further complicated by the secrecy surrounding witchcraft and the resulting difficulty in identifying its real practitioners in all cases. These matters raise the question of whether and how these occupations ought to be defined and regulated as a means of preventing human rights violations allegedly and actually committed by their practitioners. There is also the issue of whether witchcraft beliefs should be given any form of legal character or recognition when it is largely a supernatural phenomenon. Often, these issues are further complicated by the fact that many legal instruments addressing witchcraft are outdated and disconnected from current social realities.

36. The present report will focus on the aspect of witchcraft relating to the ritual killing of persons with albinism for the use of body parts (also referred to as *muti* or *juju*), for the ultimate goal of obtaining an advantage or causing harm, or for any other purpose which necessitates the attribution of supernatural powers to the body parts.

Prevalence of witchcraft-related practices in countries with reported attacks

37. In the 26 countries where attacks against persons with albinism have been reported to date, all of which are in sub-Saharan Africa,[29] belief in witchcraft and witchcraft practices have been reported, including by civil society and the media. The beliefs do not seem constrained by socioeconomic class, level of education or location; both urban and rural areas are affected. Witchcraft beliefs and practices are referred to in everyday conversation, and they seem to be socially accepted means of handling issues, providing explanations for unusual occurrences or establishing responsibility in cases of misfortune. Witchcraft beliefs and practices are also used to justify accusations stemming from envy, hatred, vengeance and other similar vice.[30] Belief in witchcraft allows people to make sense of their seemingly arbitrary misfortune and to blame a particular person. This blame is often targeted at persons in one's immediate social circle, after consultation with a witchdoctor.[31]

38. Various authors have emphasized the continued reliance on witchcraft in many African societies and the necessity to take the phenomenon into account to fully understand the contemporary social context.[32] It has also been reported that, despite

[27] www.whrin.org/frequently-asked-questions/.

[28] Marc Augé, *La construction du monde* (F. Maspero, 1974), quoted in UNICEF, "Children accused of witchcraft: an anthropological study of contemporary practices in Africa", available from www.unicef.org/wcaro/wcaro_children-accused-of-witchcraft-in-Africa.pdf.

[29] Under The Same Sun, "Reported attacks of persons with albinism", 21 June 2016.

[30] Simeon Mesaki, "Witchcraft and witch killing in Tanzania" (Ph.D thesis, University of Minnesota, 1993).

[31] Ibid., and Edward Miguel, "Poverty and witch killing" in *Review of Economic Studies*, vol. 72, No. 4 (2005).

[32] R. Abrahams, *Witchcraft in Contemporary Tanzania* (Cambridge, African Studies Centre, 1994), Peter Geschiere, *The Modernity of Witchcraft: Politics and the Occult in Postcolonial Africa* (University of Virginia Press, 1997), H. Moore and T. Sanders, *Magical Interpretations, Material Realities* (Routledge, 2003), cited by Simeon Mesaki, "Witchcraft and the law in Tanzania" in *International Journal of Sociology and Anthropology*, vol. 1, No. 8 (2009).

opposition by religious leaders, access to basic education, and the enactment of legislation criminalizing witchcraft accusations and some forms of practice, witchcraft still remains embedded in society.[33] It remains attractive to a significant number of people as it promises a holistic explanation for human hardships, including by linking socioeconomic misfortunes to other apparent "misfortunes", such as the birth of a child with albinism in a family.

Witchcraft beliefs and practices relating to albinism

39. The vast majority of attacks against persons with albinism have been carried out in order to harvest body parts. There are beliefs that drinking the blood of persons with albinism gives extra magical power[34] or that it has magical properties and brings prosperity and good luck.[35] Fingers of persons with albinism are reportedly worn as necklaces and amulets.[36] Bones of persons with albinism are used to successfully mine for gold and other desirable minerals. Hands of persons with albinism are burned to ashes and mixed in a paste to cure strokes; blood of persons with albinism is used to boost vitality and intellectual capacity, as well as for political power and business. Hair has been touted as useful for agriculture.[37] Genitals, breasts and placentas are used to cure infertility and create good luck.

40. There is a witchcraft belief that the screams of a victim being attacked for *muti* or *juju* enhance the power of the body parts; hence victims are often hacked while alive. In addition, there is a witchcraft belief that the greater the innocence of the victim whose body parts are being used, the greater the potency of the potion or amulet. This renders children, already vulnerable to attacks, a preferred target.

41. Beliefs that potions containing body parts of persons with albinism can help with relationship problems or restore peace in the family also exist. Further, it is believed that when used in a fragrance, hairs of persons with albinism can be useful for women who want to seduce white men, or for keeping employment.[38] The use for good luck of perfumes or soaps made with body parts of persons with albinism was also reported.

42. Further witchcraft beliefs are that placing the skull of a person with albinism in the foundation of a new building will bring luck to the building, that burying body parts in key places on a farm ensures big harvests and that inserting the hand of a person with albinism into the entrances of shops encourages customers to come. It was also reported that fishermen weave hair of persons with albinism into their nets or use the skin of persons with albinism to brush their nets to enhance fishing. Body parts are also sought after for protection, for example against plane crashes.[39] It is also believed that body parts can protect one against witches and that burying a body part of a person with albinism in one's house will keep witches away.

43. A witness reported: "witchdoctors told me that they kill persons with albinism and use their organs to make magic potions for their clients who want to become

[33] Simeon Mesaki, "Witchcraft and the law in Tanzania" in *International Journal of Sociology and Anthropology*.
[34] Muthee Thuku, "Myths, discrimination" (see footnote 3).
[35] Ibid.
[36] Ibid.
[37] Stéphane Ebongue, "Jolibeau's travels" (unpublished video).
[38] Ibid.
[39] Ibid.

rich and successful".[40] Similarly, a witchdoctor admitted to the use of bones of persons with albinism after being instructed by his ancestors, stating that "good witchcraft is when one uses organs of a dead person with albinism" while "bad witchcraft is when one kills a person with albinism for their body parts".[41] In another interview, a witchdoctor explained that "from their hair to their bones, albinos are sought after. When we hear that an albino has died somewhere, we try to find out where he has been buried in order to recover some parts which are really important to help us ... we even kill albinos because we need certain parts of their bodies".[42] In addition to attacks against persons with albinism, such witchcraft beliefs have often led to the desecration of their graves.

44. Rituals involving the use of body parts of persons with albinism have been reportedly used by football teams, wrestlers and musicians. Similar practices were reported for the purpose of winning an election, obtaining a job or promotion, or for business success.

45. It was reported that witchcraft beliefs and associated practices relating to the body parts of persons with albinism have led to an underground black market in the purchase and sale of body parts. This entire phenomenon seems to have no historical precedent.[43] Yet there is a reasonable link between historical discrimination and stigma (including myths relating to disappearances and infanticide) on the one hand and the current situation of attacks on the other — the former laying the foundation for the latter.

46. Witchcraft beliefs and practices as they relate to albinism have essentially capitalized on a myth-riddled situation, to the benefit of practitioners and willing believers. Further, the relative rarity of body parts of persons with albinism has been capitalized upon by the witchcraft beliefs which proffer that the body parts can attract equally rare minerals, such as gold or diamonds.[44] The same argument with regard to rarity appears to have informed the market value of body parts, such that "the albino fetish has become the most expensive charm because it is perceived as harnessing spirits that are far more powerful than ... a *waganga* [witchdoctor/traditional healer] could otherwise offer".[45]

47. Today, it is highly concerning that witchcraft beliefs surrounding albinism have spread widely and that persons with albinism are often nicknamed "asset", "money", "deal" or "million" in reference to the alleged value of their body parts. Such taunts are reportedly widespread in both rural and urban environments, particularly in countries where attacks on persons with albinism are reported.

48. In addition, there have been cases where persons with albinism themselves have been accused of witchcraft and persecuted as a result. This can be linked to some of the dehumanizing myths described above. Mothers of children with albinism have also, in certain instances, been accused of witchcraft for giving birth to a child with the condition.

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[40] Contribution to the mandate of the Independent Expert by Under The Same Sun (unpublished, 2016).

[41] Ibid.

[42] Stéphane Ebongue, "Jolibeau's travels" (unpublished video).

[43] Deborah Bryceson, Jesper Jønnson and Richard Sherrington, *Miners' Magic* (see footnote 22).

[44] Ibid.

[45] Ibid.

D. Impact of witchcraft beliefs and practices on persons with albinism

49. Civil society reports nearly 500 cases of attacks against persons with albinism across 26 countries.[46] They include various forms of attack, including physical assault, murder and sexual violence tied to witchcraft beliefs and practices. In relation to the relatively small numbers of persons with albinism, usually in the single digits of thousands to tens of thousands per country, this number of cases is highly concerning. Moreover, these are reported cases alone. Civil society activists on the issue believe far more cases go unreported owing to family collusion and the secrecy surrounding witchcraft practices.

50. Victims of attacks and their families are left deeply traumatized and are in dire need of assistance in rebuilding their lives and restoring their dignity, including psychosocial assistance.

51. In this context and owing to their visibility in most of the affected communities, persons with albinism, and parents of children with albinism, constantly live in fear of attack. Many do not sleep peacefully and have deliberately restricted their movements to the necessary minimum, during daylight hours and when escorted by trustworthy persons. Mothers have sent their children to live with relatives or in boarding schools. Yet, even there the fear remains, as such establishments are often in need of increased security measures.

52. Other children have dropped out of school or have been withdrawn by their family to remain under the protection of their parents. The security of children both on the way to school and at school cannot be ensured, including during recesses. Most rural schools do not have basic security items such as fences to ensure the children's protection.

53. The livelihood of parents of children with albinism has also been affected by these atrocities. Owing to the need to stay at home and protect their children, parents do not tend their crops or go to market. Similarly, adults with albinism avoid attending to their farms and gardens as they used to. This has driven families already living in poverty into dire straits.

E. Poverty

Poverty in the countries affected by attacks

54. The Human Development Index, which is a strong indicator of poverty and correlating factors, showed in 2014 that of the 26 countries where attacks have been reported, 20 were listed as countries with a low human development coefficient; the other six affected countries were listed in the medium human development category. That said, it is noteworthy that, overall, the affected countries had a level of income inequality that ranged from relative equality to relative inequality, with a GINI coefficient range of 30.8 to 63.9, the average for all 26 countries being 44.3.[47]

55. While the majority of countries affected by attacks are among those with a low human development coefficient, one cannot conclude that there is a strict correlation between poverty, inequality and attacks. Yet it is undeniable that poverty is a

[46] Under The Same Sun, "Reported attacks of persons with albinism" (see footnote 29).

[47] http://hdr.undp.org/en/content/income-gini-coefficient (data for 2013).

common feature of most affected countries and that, combined with other factors, it contributes to and facilitates attacks against persons with albinism.

Poverty as an incentive to commit crimes against persons with albinism

56. In a context of poverty, and in view of the reported black market value of body parts of persons with albinism, the perceived possibility of becoming rich quickly is a strong incentive for attacks. Perpetrators recruited to abduct or kill a person with albinism, or informants revealing where persons with albinism live, are often promised a sum of money. Similarly, traditional healers or herbalists in a difficult economic context may be tempted to take advantage of myths and witchcraft beliefs concerning albinism to go beyond using herbs and animal body parts to using body parts of persons with albinism to attract a higher price for their services.

57. Furthermore, and given the high number of relatives of persons with albinism involved in such crimes, it could be argued that, in a context where a family member with albinism is often perceived as both a social and economic burden, relatives could be tempted to connive in such attacks, thinking erroneously that in doing so they could earn some income, while alleviating the "curse" or economic burden brought by their family member with albinism.[48]

58. Although it is likely, given the alleged prices for body parts, that relatively wealthy individuals are involved in the attacks and in the market for body parts, some testimonies indicate that the demand for and use of body parts also comes from social classes with relatively limited economical means. There are reports of the use of body parts by fisherman wishing to increase their catch, artisanal miners, entrepreneurs and small business owners.

59. Nevertheless, it is important to state categorically that none of the testimonies received by the Independent Expert supports the proposition that anyone, whether perpetrator, witchdoctor, traditional medicine practitioner, herbalist or buyer, has become wealthier after taking part in such attacks or after using charms and potions involving body parts of persons with albinism.

Poverty of persons with albinism

60. The marginalization of, discrimination against and exclusion of persons with albinism or their parents, particularly mothers, often means that they are not supported by the community in times of need, are sometimes excluded from economic programmes or benefits, and are unable to rely on relatives and other similar social networks that often cushion economic hardship. The results of such exclusion include poverty, lack of education and corollary issues of unemployment, poor housing and ill health.[49] These factors render them hyper-vulnerable to abuse and attacks, because perpetrators are aware of their disenfranchisement and their lack of resources and redress in the face of crime committed against them.

61. Fear of attacks has also worsened the economic situation of persons with albinism who are not able to cultivate their land, go to the marketplace or initiate

[48] See, for example, Edward Miguel, "Poverty and witch killing" (see footnote 31).

[49] Adrian Bonner, *Social Exclusion and the Way Out: an Individual and Community Response to Human Social Dysfunction* (John Wiley and Sons, 2006), quoted by Benson Mulemi and Urbanus Ndolo, *Albinism, Witchcraft and Superstition in East Africa: Exploration of Bio-cultural Exclusion and Livelihood Vulnerability* (Catholic University of Eastern Africa, 2014).

economic activity in freedom. The same can be said of parents of children with albinism, who often have to curtail their economic activity to accommodate the need to watch over their children day and night and to escort them to and from school. This strain on family economics increases the likelihood that a child with albinism will be viewed as a burden or curse on the family. This in turn increases the child's vulnerability to attacks initiated or facilitated by family members.

62. The insecurity of persons with albinism is directly affected by their poor living conditions. Some abductions and attacks have reportedly occurred in houses that do not have the most basic security features, including windows, wooden doors or locks. Most families living in such conditions do not have access to a phone line to call for help and do not have any means of transportation to rush persons who have been attacked to the closest medical facilities.

Correlation between poverty and witchcraft

63. Various authors have pointed out the connection between poverty and witchcraft and stressed that people with albinism in various parts of Africa experience attacks and threats to their safety as a result of superstitions, including witchcraft, which tend to thrive in time of economic deprivation.[50]

64. An analogy can be drawn from the positive correlation found between witch-hunting and poverty. In his study of the phenomenon of witch killings, Edward Miguel[51] uses rainfall variation to estimate the impact of income shocks on murders in rural areas of the United Republic of Tanzania. He noted that rainfall extremes (drought or flood) led to an income drop, and linked that information to data on witch killings in the villages. While undesirable levels of rainfall led to a large increase in the number of murders of "witches", it had no impact on the number of other types of murder. He concluded that income drops caused by undesirable levels of rain and related economic hardship are key factors in the killings of so-called witches. A similar correlation was established in a study by Emily Oster[52] which focused on the Renaissance period in Europe. She noted that one of the sharpest drops in temperature, which negatively impacted economic growth, coincided with the reinvigoration of witchcraft trials. Both studies highlight the link between poverty or income reduction and reliance on supernatural beliefs, including witchcraft, for explaining the misfortune.

F. Aggravating factors

Socioeconomic flux

65. In addition to Miguel's correlation of income and witchcraft, it has also been documented that there can be a plausible link between the surge in occult practices, including witchcraft, and the pressures and opportunities people are faced with in a

[50] See, for example, Relebohile Phatoli, Nontembeko Bila and Eleanor Ross, "Being black in a white skin" (see footnote 2); Dora Semkwiji, "The plight of albino in Tanzania: what should be done?", Economic and Social Research Foundation, 2009.

[51] Edward Miguel, "Poverty and witch killing" (see footnote 31).

[52] Emily Oster, "Witchcraft, weather and economic growth in Renaissance Europe" in *Journal of Economic Perspectives*, vol. 18, No. 1 (2004).

changing socioeconomic order.[53] A study of specific mining towns where the use of body parts of persons with albinism in lucky charms has been documented indicates that the cumulative influx of a large number of migrant miners, generational and cultural divides within the local villages, and the social change propelled by the rapid focus on mineral extraction for income in the local economy are among the factors which triggered a symbiotic relationship between miners seeking luck and comparative advantage in their work on the one hand and the witchdoctor on the other hand.[54]

66. Witchcraft is therefore, at least in part, a means of reconciling the traditional with the modern, the former promising to answer questions deemed unanswered by the latter. However the explanations provided by witchcraft are often not grounded on fact but are based on myths and pre-existing beliefs, for which the witchdoctor has a solution at a price. The situation bears strong elements of fraud. To the extent that it solves socioeconomic problems, at best, it supplies only a limited form of social justice and equity as it fails to address the real causes of problems and ultimately leads people to resign themselves to their "misfortunes" instead of accurately understanding and resolving them.[55]

Sociopolitical factors

67. Information has been received that killings are known to peak during election times as demand for magical potions by politicians seeking election or re-election goes up.[56] Civil society reported that, prior to several elections in the African region, the number of reported attacks increased in various countries.[57] Internal conflicts or political tensions also provide a framework of uncertainty conducive to reliance on supernatural beliefs and witchcraft practices.

Visibility of persons with albinism

68. The appearance of persons with albinism makes them stand out, particularly in environments where the majority of the population have darker pigmentation and the contrast between the two groups is stark. Persons with albinism are therefore a visible minority group whose appearance and colouring has made them subjects of instantaneous discrimination.[58] Their stigma, the lifelong social exclusion and general discrimination they face, is a similar experience to that of vulnerable racial

[53] Henrietta Moore and Todd Sanders, *Magical Interpretations, Magical realities* (Routledge, 2001). Deborah Bryceson, Jesper Jønnson and Richard Sherrington, *Miners' Magic* (see footnote 22); see also John and Jean Comaroff, "Policing culture, cultural policing: law and social order in postcolonial South Africa" in *Law and Society Inquiry*, 2004, cited in Chi Adnna Mgbako, Katherine Glenn, "Witchcraft accusations and human rights: case studies from Malawi" in *George Washington International Law Review*, vol. 43, 2011.

[54] Deborah Bryceson, Jesper Jønnson and Richard Sherrington, *Miners' Magic* (see footnote 22).

[55] Simeon Mesaki, "Witchcraft and witch killing" (see footnote 30).

[56] Muthee Thuku, "Myths, discrimination" (see footnote 2); see also Sabbath M. Uromi, "Violence against persons with albinism and older women, tackling witchcraft in Tanzania" in *International Journal of Education and Research*, vol. 2, No. 6 (2014).

[57] Contributions to the mandate of the Independent Expert by Standing Voice, Association des Femmes Albinos Espoir du Burundi, Doudou Ndiaye, Association Nationale des Albinos du Sénégal, Tanzanian Albinism Society (all unpublished, 2016).

[58] See, for example, Relebohile Phatoli, Nontembeko Bila and Eleanor Ross, "Being black in a white skin" (see footnote 2).

minorities because of their skin colour.[59] This factor leaves open the possibility of addressing this root cause under laws prohibiting "racial discrimination" on the "ground" of "colour".[60]

Skin cancer and lesions

69. Lack of information about the need for special sun protection for persons with albinism, who lack natural protective pigment, is highly detrimental. The absence of access to sunscreen lotions or sun-protective clothing, as well as lack of adequate, affordable and accessible medical care, leaves persons with albinism highly vulnerable to skin cancer. It is not uncommon for persons with albinism to die of skin cancer before the age of 40 and for children younger than age 5 to present with pre-cancerous lesions. These health issues, in tandem with discrimination, poverty and lack of education, are amongst the factors responsible for the very high number of skin cancer fatalities among persons with albinism in sun-intense countries.

70. The general lack of awareness of the link between albinism and skin cancer has led to the belief that pre-cancerous and cancerous lesions on a person with albinism are a necessary part of albinism. The appearance of such lesions adds more stigma to an already stigmatized appearance and exposes a person with albinism to further discrimination.

71. In a context where factual and scientific information on albinism is generally lacking or remains inaccurate, the disfiguration caused by skin cancer of persons with albinism may serve to strengthen myths and witchcraft beliefs, particularly those that supernaturalize and dehumanize persons with albinism. Given that such disfiguration is particularly commonplace where attacks have been reported, the prioritization of health interventions is bound to prevent illness, early death and attacks.

Remote rural and border areas

72. Although various attacks have been reported in urban areas, persons with albinism living in remote rural areas are particularly targeted. The situation is pronounced in border communities. The resource shortage faced by law enforcement in these areas, and the absence of civil society organizations to follow up on reported cases, are key intervening factors explaining this trend. Further, given that these areas are often challenged by a significant lack of access to information and education, myths about albinism and witchcraft practice tend to be more rampant there. Weak border patrol is also an issue in these areas as it facilitates cross-border trafficking of persons and body parts. In this regard, there is a crucial need for bilateral and multilateral agreements enhancing cooperation between the police of States sharing a common border to improve the investigation and prosecution of cross-border cases. This is particularly important for prosecuting more end-users of body parts since they are sometimes located in countries bordering the one where the victim was attacked.

[59] Rita Izsák, Independent Expert on minority issues, in a press release issued on 4 May 2013: "Persons with albinism must not be treated as 'ghosts'".

[60] Office of the United Nations High Commissioner for Human Rights and Organisation Internationale de la Francophonie, outcome report of the Expert Meeting on Persons with Albinism: Violence, Discrimination and the Way Forward, 24 September 2014 (unpublished).

Education

73. Lack of public education on albinism is closely linked to widespread myths regarding the condition. This is why the need for sustained awareness-raising initiatives on the issue cannot be overstated. That said, awareness-raising and public education initiatives cannot replace concrete action, but ought to be carried out as part of a broader action plan such as the one being developed at the African regional level.[61] Education of persons with albinism about their condition and their rights is also necessary to counter myths and misbeliefs.

74. Further, there is a need to formally educate persons with albinism because such a person becomes a role model and demystifies misbeliefs about the condition. However, there remains the challenge of discrimination at schools, which is linked to ongoing myths and ignorance on the part of both students and teachers alike. Moreover, the lack of support and reasonable accommodation, including the provision of low vision devices, for persons with albinism remains a substantive barrier to education. These issues have led many children with albinism to stop their education. School dropout has a particularly severe impact on children with albinism because it destroys their chances of finding work indoors, which in turn exposes them to poverty and skin cancer, conditions paving the way to early death due to ritual attacks and skin cancer respectively.

Media and the arts

75. The characterization of persons with albinism in films and literature has largely been belittling, negative and caricature-peddling.[62] Although there is reason to be optimistic on the basis of new trends in the past five years, there remains a lot of work to be done because "modern movies, novels, television programs, etc. still insist on using albinism for its shock value..., rather than present the facts about the condition since these do not lend themselves to an interesting story. Storytellers choose to use the physical appearance of albinism to invent their own fantasies, and expose their own superstitions and fears" [about the condition].[63] It has also been reported that the Nigerian film industry, by similarly portraying persons with albinism and normalizing witchcraft, contributes to the spreading of myths and encourages resort to witchdoctors in times of misfortune or hardship.

76. The mass media has also been accused of fuelling attacks by irresponsible reporting of the issue. Critics argue that the publishing of prices for body parts could create an incentive for attacks where none previously existed. They point out best practices from reports on drug trafficking whereby some media refuse to publish the market value of drugs confiscated by police so that potential drug traffickers are not tempted by reading about it. While there are no studies establishing a correlation between increased media attention on the issue and increased attacks, it is unreasonable to completely deny the possibility that the publishing of alleged prices of body parts may incentivize profiteers.

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[61] See, for example, Dora Semkwiji, "The plight of albino in Tanzania: what should be done?" (see footnote 50).

[62] Charlotte Baker, "Writing over the illness: the symbolic representation of albinism" in *Social Studies of Health, Illness and Disease* (Rodopi 2008), quoted by Charlotte Baker and others, "The myths surrounding people with albinism" (see footnote 12).

[63] Virginia Small, "Sociological studies of people of colour with albinism", 1998, quoted by Muthee Thuku, "Myths, discrimination" (see footnote 3).

Impunity and weak judicial response

77. The proportion of reported cases that have been prosecuted is small. This is due to the interplay of several factors,[64] including lack of resources and specialization on the part of law enforcement, such as the absence of electronic databases and the need for enhanced forensic capacity. Similarly, where investigation has an international element, such as cross-border trafficking of persons or body parts, complications often arise, highlighting the lack of international law enforcement cooperation. Such factors are detrimental to a coherent judicial response. Police corruption has also been reported as a factor in the unwillingness to prosecute cases.

Inadequacy of domestic law

78. The specificities of attacks against persons with albinism and their relationship to witchcraft have shed light on the inadequacy of domestic laws in some affected States. Criminal law and laws dealing with trafficking in persons often do not take into consideration the practice of trafficking for witchcraft purposes human body parts that are not organs. The key legislative framework, including criminal law, faces several challenges in the prosecution of cases involving the phenomenon of witchcraft, as criminal charges have often been viewed as falling short of capturing the reprehensibility of witchcraft practices and of deterring them. Witchcraft also poses problems for the rules of evidence and fair trial because of the supernatural aspect of the phenomenon. This has often resulted in the use of "the best available" laws, which provide neither adequate criminal charges nor sentences deemed proportionate to crimes of this nature. When charges are deemed weak, sentences are perceived to be lenient, or affordable in the case of fines, and their deterrent capacity is weakened because the perpetrator is still able to foresee an overall gain or profit from his or her crime.

Weak documentation of cases

79. Aside from by a small, though growing, number of civil society organizations, insufficient attention is being paid to research and documentation of cases of attack and discrimination against persons with albinism. This paucity can be attributed in part to the fact that the human rights issues faced by persons with albinism have come to the attention of States and the international community only recently. While the primary duty of documenting crimes and ensuring justice for victims belongs to the State, the indispensable supplementary work of civil society in this regard remains crucial. However, a majority of non-governmental organizations focusing on the issue are relatively new, continue to face resource shortages and are still developing their capacity to carry out research and robustly engage with relevant national, regional and international mechanisms.

80. There is also a pressing need for intense field research into the root causes of and trends in attacks in order for the phenomenon to be adequately understood and adequate measures taken.

[64] See also A/HRC/31/63, para. 22.

III. Conclusions and recommendations

81. The root causes of attacks and discrimination against persons with albinism are found in a combination of factors. Aspects of these root causes, such as poverty and impunity, have already been identified outside the context of attacks against persons with albinism and efforts to tackle them tend to be under way in countries where such attacks are reported. However, deeply rooted myths and, in particular, witchcraft beliefs and practices pose a major challenge that has yet to be addressed. They are a key factor fuelling attacks, yet they are often riddled with secrecy and are deeply entrenched, historically and culturally. Another difficulty with regard to these root causes is the shortage of best practices on the matter, including tackling the many challenges that arise from the link to the supernatural, which can complicate evidence-gathering in the framework of a legal approach. The phenomenon certainly calls for further study and a creative but balanced approach, to curb or mitigate its negative implications for human rights, while protecting freedom of belief.

82. The recommendations below, with the exception of those on witchcraft, have been identified through wide consultation with relevant stakeholders. They were identified by the 150 participants, including participants from civil society, government and national human rights institutions, in the Consultative Forum: Action on Albinism in Africa, hosted by the Independent Expert in Dar es Salaam, from 17 to 19 June 2016.

83. The Independent Expert makes the following recommendations to States affected by attacks against persons with albinism:

Public education

- Ensure sustained and uninterrupted multi-year-long efforts in public education on albinism, particularly in rural and remote areas, as well as border communities, to provide relevant information about albinism, including the scientific reasons behind albinism, as well as on the human rights of persons with albinism;
- Ensure that public education campaigns address witchcraft-related practices affecting persons with albinism, particularly those leading to human rights violations. Such campaigns should also stress the reprehensible nature of these practices;

Legal action

- If necessary, review the legislation governing witchcraft-related practices to ensure that it is unambiguous in upholding human rights and is protective of vulnerable groups such as persons with albinism, while affirming the fundamental right to belief, which includes belief in witchcraft;
- Ensure that the practice of using body parts for witchcraft-related practices is adequately and unambiguously criminalized in domestic legislation;
- Consider regulating the practice of traditional medicine where ambiguity exists, in practice, between witchcraft on the one hand and traditional, herbal or alternative medicine on the other. Such regulation might include an effective monitoring mechanism that reaches rural, remote and border areas, particularly where attacks against persons with albinism have been reported;

- Ensure that any act of discrimination against persons with albinism is adequately and proportionally sanctioned, including by considering "colour" as a ground of discrimination under domestic legislation;
- Consider issuing practice directives and guidelines to complement and clarify existing laws and to facilitate the investigation and prosecution of cases of attack, particularly if the existing legislation needs to be reviewed to address the complexity of attacks against persons with albinism;
- Designate, if necessary, law enforcement officials and prosecutors dedicated to cases of attack against persons with albinism, to improve accountability and reduce impunity.

Poverty

- Continue adopting measures to address poverty, in light of the 2030 Agenda for Sustainable Development, which pledges to leave no one behind, including persons with albinism;

Reasonable accommodation for visual impairment

- Provide reasonable accommodation for visual impairment as well as adequate protective measures against attacks on persons with albinism in schools and at places of work;

Health intervention

- Improve access to health care for persons with albinism, with particular focus on affordable or free sun protection products and skin cancer treatment. Such a health programme ought to be accessible to persons in rural or remote areas at little or no cost to them. The training of community health nurses and the use of mobile clinics have been identified as best practices in this regard;

Cross-border crime

- Strengthen cross-border police cooperation through bilateral and multilateral agreements to better tackle trafficking in persons and body parts.

84. The Independent Expert also recommends that affected States and civil society, in close cooperation, systematically gather data and information on attacks against persons with albinism and conduct relevant studies with emphasis on trends and forms of attack, cases of discrimination and root causes, since data and research on this topic remain relatively scarce.

85. The Independent Expert also recommends that the international community continue to support States and civil society working on this issue, including through capacity-building, particularly in the area of investigative research and forensic science. Another key area needing support is the implementation of protective measures, including those already identified by a multiplicity of stakeholders, including persons with albinism from various countries of the African region, at the recently concluded Consultative Forum: Action on Albinism in Africa.

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Sustainable development

Sustainable mountain development

Report of the Secretary-General

Summary

Mountain and upland areas have a universal importance: they provide water and other global goods and services to humanity. However, mountain ecosystems are highly vulnerable to climate change, extreme weather events and land degradation and recover slowly from disasters and shocks. In the 2030 Agenda for Sustainable Development, Member States pledged to leave no one behind and stressed the importance of reaching those furthest behind first. Mountain communities in developing countries are particularly vulnerable and require special attention, given that one in three people in those areas is at risk of hunger and malnutrition.

To achieve the Sustainable Development Goals and the targets relating to mountains as well as to poverty, hunger, sustainable agriculture, climate change and gender equality, there is a need to prioritize mountain areas by focusing on the specific challenges they face and the opportunities they provide. Mountain-specific policies and the inclusion of mountain communities in decision-making processes and capacity development can improve the livelihoods of communities while also conserving and restoring mountain ecosystems. In particular, efforts should be made to increase scientific knowledge of mountains and collect disaggregated data for sound analysis, policy advice and, ultimately, for change.

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Introduction

1. In 1998, the General Assembly, in its resolution 53/24, proclaimed 2002 the International Year of Mountains and encouraged Governments, the United Nations system and all other actors to take advantage of the year to increase awareness of the importance of sustainable mountain development. In 2003, the Food and Agriculture Organization of the United Nations (FAO) prepared a report on the achievements of the year, which was transmitted to the Assembly by the Secretary-General (A/58/134).

2. The activities of the International Year of Mountains supported the establishment of 78 national committees for country-level action and strengthened partnerships with stakeholders in mountain issues, culminating in the launch of the International Partnership for Sustainable Development in Mountain Regions (Mountain Partnership) at the World Summit on Sustainable Development, held in 2002.

3. The International Year of Mountains led to the adoption by the General Assembly of resolution 57/245, in which 11 December was designated as International Mountain Day, as of 2003, and the international community was encouraged to organize events at all levels on that day to highlight the importance of sustainable mountain development.

4. The present report is submitted in accordance with General Assembly resolution 68/217, in which the Assembly requested the Secretary-General to submit a report at its seventy-first session on the status of implementation of sustainable development in mountain regions. The report was prepared by FAO and the Mountain Partnership secretariat in collaboration with Governments, relevant agencies of the United Nations system and other organizations.

Background and challenges

5. Covering about 22 per cent of the world's land surface, mountains are home to about 13 per cent of the world's population and provide globally essential goods and services such as fresh water, biological diversity, food and energy. They are areas of cultural diversity, knowledge and spirituality, as well as destinations for recreation and tourism. In the mountain areas of developing countries, however, the risk of food insecurity affects one in every three people. Between 2000 and 2012, the number of people in the mountain areas of developing countries who were vulnerable to food insecurity increased across the world. In 2000, more than 250 million people living in mountain areas were considered to be vulnerable to food insecurity, representing about 35 per cent of the global mountain population at that time. By 2012, a new FAO study[1] had found that, while the global mountain population had increased just 16 per cent overall, the number of those vulnerable to food insecurity had increased by 30 per cent, to nearly 329 million, corresponding to 39 per cent of the global mountain population in 2012. The results show that global progress and improvements in living standards do not appear to have made their way up the mountains, and many mountain communities lag behind in the eradication of poverty and hunger.

[1] R. Romeo and others, *Mapping the Vulnerability of Mountain Peoples to Food Insecurity* (Rome, FAO, 2015).

6. Climate change, climate variability and climate-induced disasters, combined with political, economic and social marginalization, increase the vulnerability of mountain peoples to food shortages and extreme poverty. Limited access to education, health, training, credit and market facilities further hinders development and leads to out-migration.

7. Mountain communities, with their knowledge, experience and capacity to adapt to fragile environments, can provide sustainable natural resources management solutions. Mountain peoples, who are largely family farmers, have, over centuries, developed a system of resilient practices to cope with scarce natural resources and difficult living conditions, basing their livelihoods on highly diversified activities. Mountain agriculture uses low levels of fossil fuels, mineral fertilizers and pesticides and has less of an impact on the environment compared with lowland farming.

Mountains and the 2030 Agenda for Sustainable Development

8. The 2030 Agenda for Sustainable Development includes the following three targets that directly address sustainable mountain development:

(a) Target 6.6: By 2020, protect and restore water-related ecosystems, including mountains, forests, wetlands, rivers, aquifers and lakes;

(b) Target 15.1: By 2020, ensure conservation, restoration and sustainable use of terrestrial and inland freshwater ecosystems and their services, in particular forests, wetlands, mountains and drylands, in line with obligations under international agreements;

(c) Target 15.4: By 2030, ensure the conservation of mountain ecosystems, including their biodiversity, in order to enhance their capacity to provide benefits that are essential for sustainable development.

9. The Mountain Partnership secretariat is the entity within FAO responsible for measuring efforts to reach target 15.4 and has developed the Mountain Green Cover Index as an official indicator, based on the recognition that there is a direct correlation between green coverage of mountain areas and their state of health and capacity to fulfil their ecosystem roles. Monitoring changes in mountain vegetation over time provides an adequate measure of the status of the conservation of mountain ecosystems. Monitoring the Index over time can provide information on the forest, agricultural and vegetal cover, the reduction of which could be linked to overgrazing, land clearing, urbanization, forest exploitation, timber extraction and fuelwood collection. Its increase could be linked to land restoration, reforestation, afforestation or agricultural practices. The indicator is based on Collect Earth, a free, open-source tool that is customizable for specific data collection needs and methodologies. It builds upon high-resolution, multi-temporal images from Google Earth and Bing Maps and Landsat 7 and 8 datasets from Google Earth Engine. Data and images are stored and globally available and for any year starting from 2000, making possible the monitoring of change over time. Data on mountain areas have been taken from the 2015 FAO/Mountain Partnership secretariat global map of mountains.

Climate change in mountains (Sustainable Development Goal 13)

10. In mountain ecosystems, increasing temperatures are worsening the conditions of many mountain communities, which are already food-insecure and poor. The Global Ecosystem-based Adaptation in Mountain Ecosystem Programme was jointly implemented from 2011 to 2016 as a flagship programme of the United Nations Environment Programme (UNEP), the United Nations Development Programme (UNDP) and the International Union for Conservation of Nature, funded by the Government of Germany through the International Climate Initiative, and in partnership with the Governments of Nepal, Peru and Uganda. The Programme focuses on an approach that assists communities in adapting to the adverse impact of climate change through the sustainable management, conservation and restoration of natural and agroecosystems as part of an overall adaptation strategy. This takes into account anticipated trends in the impact of climate change in order to reduce vulnerability and improve the resilience of ecosystems and people to the impact. Lessons learned include the need for a step-wise approach in carrying out initial participatory assessments to make the case for ecosystem-based adaptation to communities; the need for vulnerability and impact assessments to make the case for the use of ecosystem-based adaptation measures to reduce vulnerabilities; the need to promote early action through incentive schemes before the full benefits of ecosystem-based adaptation can be seen; and the need to adopt a landscape approach.

11. Austria supports UNEP in fostering regional and interregional cooperation on climate change adaptation in mountain regions in the Andes, the South Caucasus, East Africa, Central Asia and the western Balkans through the UNEP-led project entitled "Climate change action in developing countries with fragile mountainous ecosystems from a sub-regional perspective". As part of the project, UNEP produced the *Mountain Adaptation Outlook* series that includes a collection of adaptation best practices, including with respect to research and monitoring efforts essential to developing effective local responses and pilot projects ripe for upscaling. As a concrete follow-up, several mountain countries, such as Azerbaijan and Georgia, have already committed themselves to strengthening action on adaptation to climate change in mountain ecosystems, using technical assistance and financial instruments such as the Green Climate Fund and the Adaptation Fund.

12. Some risks shared by most or all mountain regions include the movement of vector-borne diseases into higher elevations as a result of global warming, reduced water availability owing to the melting of glaciers and the degradation of highland ecosystems such as wetlands and grasslands; biodiversity loss; and crop failures owing to increases in extreme weather events. Across regions, the development of adaptation measures is still in the early stages. Recommendations include measures such as expanding the monitoring of hydrology, early-warning systems for natural disasters, promoting drought-resistant crops, increasing the participation of women and ethnic minorities and strengthening coordination between stakeholders in freshwater resources, including international coordination in the management of shared basins.

13. Participants in the ministerial meeting of the Interstate Commission on Sustainable Development, held in Dushanbe from 24 to 28 November 2014, recognized the need for enhanced action towards climate change adaptation in mountain regions. As a result, the Commission, its Regional Mountain Centre for Central Asia and UNEP agreed to jointly implement the project on climate change

action in developing countries with fragile mountainous ecosystems from a subregional perspective and produced a document in the *Mountain Adaptation Outlook* series entitled "Outlook on climate change adaptation in mountain regions of Central Asia".

14. The International Hydrological Programme of the United Nations Educational, Scientific and Cultural Organization (UNESCO) launched a project on the theme "Addressing water security: climate impacts and adaptation responses in Africa, the Americas, Asia and Europe" to contribute to the assessment of vulnerability and to map existing adaptation strategies in vulnerable regions such as mountains. The International Hydrological Programme has also coordinated glacier mass balance studies and training and capacity-building programmes in mountain regions. The UNESCO Man and the Biosphere Programme is engaged in sustainable mountain development and, in collaboration with the International Hydrological Programme, has developed exhibits, policy briefs and other publications on the impact of climate change in mountain regions.

15. At the intergovernmental level, ministers at the fourth session of the Conference of the Parties to the Framework Convention on the Protection and Sustainable Development of the Carpathians (Carpathian Convention), held in 2014, adopted the Strategic Agenda on Adaptation to Climate Change in the Carpathian Region. The Carpathian Convention and its working group on adaptation to climate change were invited to join the European Climate Adaptation Platform, led by the European Environmental Agency. The Platform is a European Commission initiative to support Europe in adapting to climate change by sharing information on the topic.

16. The Central Asia hub of the Mountain Partnership works with regional stakeholders to integrate a mountain agenda into the development processes of countries in the region. In conjunction with the Centre for Climate Change and Disaster Reduction, based in Tajikistan, the Central Asia hub supports public engagement in policymaking through policy dialogues and local level consultations at the national and subnational levels in Tajikistan. Institutional capacity-building for the Climate Change Dialogue Platform of Kyrgyzstan is provided through an inclusive climate governance process to ensure informed and evidence-based decision-making.

17. The past three sessions of the Conference of the Parties to the United Nations Framework Convention on Climate Change saw mountain areas receive particular attention. At a meeting on building climate change resilience in mountains, held in Warsaw on 16 November 2013 at the Global Landscapes Forum, on the sidelines of the nineteenth session of the Conference of the Parties, local community empowerment was highlighted as being essential to building climate change resilience in mountains and mainstreaming climate change adaptation. In December 2014, during the twentieth session, representatives from mountainous least developed countries in Africa and Asia raised a common voice for mountain areas and the need for an equitable share of global climate funds to be allocated to address the impact of climate change and support adaptation in mountain areas. Side events outlined progress made in climate change adaptation, mitigation and monitoring in mountain environments worldwide and called for member States to join forces and share solutions and resources globally. During the twenty-first session, held in Paris in 2015, the Mountain Partnership convened a side event on the theme "Building climate change resilience in mountains", illustrating different approaches that had been adopted to build resilience.

Watershed management and sustainable forest management in mountains

18. An integrated landscape approach, which addresses natural resources management, water and food scarcity as well as climate change resilience, can lead to the sustainable development of upland areas and the improvement of community livelihoods. The water and mountains team of the FAO forestry department provides technical expertise on the topics of forest-water interaction, watershed management and sustainable mountain development, promoting and facilitating projects, processes and policies in mountain regions, including those in Ecuador, Guatemala, Kyrgyzstan and West Africa. A project entitled "Poverty alleviation and combating desertification through collaborative watershed management", implemented between 2010 and 2015 in Ecuador, Mauritania, Morocco and Peru, provided an opportunity to promote a harmonized approach to watershed management, build capacity, support institutional development and provide evidence-based policy advice. Lessons learned from recently completed watershed management projects underline the relevance of working across sectors, across scales and with multiple actors in an integrated landscape approach to generate not only environmental benefits but also social and economic co-benefits to improve mountain livelihoods and food security. Results also indicate a need to develop an indicator framework to measure and quantify those multiple benefits, as well as tools to support the analysis of intervention options and priority setting in the planning phase.

19. Assessments of the protective functions of forests with respect to soil and water have been undertaken through field tests conducted at pilot forest sites, including mountainous sites, in Mexico, Nepal and Viet Nam, with the aim to develop a cost-effective and accurate methodology to facilitate data collection, analysis and reporting, especially in developing countries, including by way of a survey made available online through open-source applications. Improving information on mountain forest functions will help managers formulate evidence-based plans and practices for disaster resilience and water security.

20. An FAO project funded by the Government of Italy on climate change and mountain forests addresses the nexus between poverty and the unsustainable use of natural resources that is faced by vulnerable mountain communities in both continental and island nations. The project is specifically linked to Sustainable Development Goals 1, 2, 13 and 15. One of the outputs of the project is the development of biodiversity monitoring tools for reducing emissions from deforestation and forest degradation in Papua New Guinea. To date, the project has developed a protocol for the assessment of the nation's forest biodiversity, which has been integrated into the design of the country's first national forest inventory as part of activities to reduce such emissions. Papua New Guinea is the first country among those involved in the process to reduce emissions from deforestation and forest degradation to carry out a systematic integration of forest biodiversity indicators with carbon stock indicators on a national scale. A combined carbon-biodiversity inventory aims to enable an objective assessment of the trade-offs between protecting biodiversity and reducing emissions, a precondition for guaranteeing sustainable forest management and improving local forest community livelihoods.

21. A project in Argentina on native forests and protected areas has reformed the legal and regulatory policy framework around Andean native forests and

strengthened the management and conservation of native forests. The Department of Planning and Environmental Policy of the Ministry of Health and Environment is leading the implementation of a project on the incentives for the conservation of ecosystem services of global significance, testing compensation mechanisms for the services provided by ecosystems in Argentina. A project on sustainable land management in the north-western area of Argentina is focused on the arid, semi-arid and subhumid areas of the country, with the objective of improving the quality of life in rural communities and preserving ecosystems.

22. At the Dushanbe Forum of Mountain Countries on the theme "Water and Mountains", held in 2015, Tajikistan called upon local and national governments, communities and development organizations to endorse Goal 6 on water and sanitation for all, to recognize the key role of mountains in achieving the Goal, and to adopt and apply integrated watershed management practices as a viable, enduring solution for coping with and adapting to changes in mountains, by recognizing the close interdependence between water and mountains.

Biodiversity conservation and mountain ecosystems

23. Mountains are storehouses of global biodiversity. They support around one quarter of terrestrial biological diversity and are rich in endemic species. Global warming, land use change, poaching and mining all exact a heavy toll on mountain biodiversity. The sustainable management of mountain biodiversity has increasingly been recognized as a global priority. The programme of work on mountain biodiversity, adopted in 2004 by the Conference of the Parties to the Convention on Biological Diversity, aims to reduce the loss of mountain biological diversity as a contribution to poverty reduction and to benefit both upland and lowland dwellers, including indigenous and local communities dependent on mountains.

24. The adoption of the 2030 Agenda and the Paris Agreement provided added impetus to the effective implementation of the programme of work on mountain biodiversity for achieving the Aichi Biodiversity Targets of the Strategic Plan for Biodiversity 2011-2020 and the Sustainable Development Goals in mountain ecosystems. As such, implementing the programme of work on mountain biodiversity will have a great impact with regard to multiple Sustainable Development Goals, including Goal 1 to end poverty, Goal 2 to end hunger, Goal 3 to ensure healthy lives and promote well-being, Goal 6 to ensure water availability, Goal 10 to reduce inequality and Goal 15 to protect, restore and promote sustainable use of terrestrial ecosystems. In addition, the Mountain Partnership is in a position to make contributions towards Goal 17 to strengthen the means of implementation and revitalize the Global Partnership for Sustainable Development.

25. In 2014, the fourth edition of the *Global Biodiversity Outlook*[2] provided a midterm assessment of progress towards the Aichi Biodiversity Targets. It contained a call for reducing the direct pressures on biodiversity and promoting its sustainable use and reported that limited information was available regarding trends for some ecosystems that were especially vulnerable to climate change, including mountain ecosystems such as cloud forest and *páramos* (high altitude tundra in tropical

[2] Secretariat of the Convention on Biological Diversity, Global Biodiversity Outlook 4 (Montreal, 2014). Available from www.cbd.int/gbo4/.

Central and South America). A key action that, if more widely applied, could accelerate progress towards the goal of enhancing the benefits to all from biodiversity and ecosystem services would be to reduce the pressures on and, where necessary, enhance the protection and restoration of those ecosystems providing essential services, such as wetlands, coral reefs, rivers, forests and mountain areas.

26. The Global Mountain Biodiversity Assessment is a platform for international and cross-disciplinary collaboration in the assessment, conservation and sustainable use of mountain biodiversity. In cooperation with the Global Biodiversity Information Facility, the Global Mountain Biodiversity Assessment developed a mountain biodiversity portal providing geo-referenced primary biodiversity data on mountain ecosystems. With various features that allow for the browsing of species inventories by location, the localization of specific species and protected areas, the visualization of species ranges and the exploration of habitat suitability and reserve gaps, the mountain diversity portal and the Map of Life application on which it is based, represent powerful tools for all user categories, ranging from laymen to practitioners, stakeholders (such as the tourism industry) and policymakers.

27. In 2015, the European Union and the Government of Colombia announced the launching of a programme entitled "Páramo: biodiversity and water resources in the northern Andes". Fundación Ecohabitats, in partnership with the University of Innsbruck and with the support of the Austrian Academy of Sciences, developed a white paper on the biosphere reserves of Colombia as part of a strategy to promote national awareness for the conservation of those areas, to define and apply conservation and sustainable management strategies, including integrated ecosystem management, to develop financial instruments to support maintenance of ecosystem services, in particular hydrological regulation, and to strengthen the capacities of indigenous peoples and farmers to develop sustainable activities in the *páramos*.

28. Projects are also being undertaken by Fundación Agreste in Argentina to map the variety, quantity and locations of species, their current status and evolution, and to collectively develop strategies to conserve and sustainably manage endangered spices.

Land degradation and desertification

29. Dryland mountains, with a predominance of unstable soils on steep slopes and extreme weather conditions, are especially vulnerable to desertification processes, soil degradation, water erosion, loss of chemical and physical quality, deforestation and vegetation degradation and loss. Sustainable land management is, therefore, crucial to securing the natural resources base as well as the livelihoods of people in mountainous areas in order to achieve a land degradation-neutral world in the context of sustainable development.

30. World Overview of Conservation Approaches and Technologies, a global network active in over 56 countries, was officially recognized by the secretariat of the United Nations Convention to Combat Desertification as the primary recommended database for sustainable land management best practices, which include more than 300 technologies from more than 50 countries.

Disaster risk management in mountains

31. Mountainous areas are frequently affected by natural hazards such as landslides, mudslides, debris flows and floods. These hazardous events are often induced by intense precipitation and are therefore exacerbated by climate change and changes in the hydrological cycle. As stated in the Sendai Framework for Disaster Risk Reduction 2015-2030, it is essential to promote the mainstreaming of disaster risk assessment, mapping and management in rural development planning, including in mountain areas. To reduce vulnerability, disaster risk-reduction measures such as early-warning systems, responsible building, identification of safe locations and preservation of ecosystem protective functions must be put in place.

32. In its immediate response to the disastrous earthquakes that hit Nepal in 2015, FAO joined the global relief effort by assisting a total of 1.5 million people and distributed essential crop seeds, including rice, maize, wheat and vegetable seeds, as well as grain storage bags, to affected communities. The International Centre for Integrated Mountain Development, in collaboration with the Government of Nepal's National Planning Commission, launched a strategic framework for resilient livelihoods in earthquake-affected areas of Nepal, which explored a range of strategic choices and options for developing resilient livelihoods in the aftermath of the earthquakes.

33. The Government of Pakistan has implemented a project to reduce the risks and vulnerabilities from glacier lake outburst floods by enabling vulnerable communities in northern Pakistan to better understand and respond to the risks of such floods and thereby adapt to growing climate change pressures.

34. In 2013, the first International Forum on Glaciers concluded with the Huaraz Declaration, which was signed by 22 institutions, the aim of which was to promote, implement and launch mechanisms for the monitoring and early warning of natural hazards caused by rapidly retreating glaciers.

35. During the third United Nations World Conference on Disaster Risk Reduction, held in Sendai, Japan, in March 2015, the long-standing cooperation between FAO and the International Consortium on Landslides was renewed with the signature of the Sendai Partnerships 2015-2025 for Global Promotion of Understanding and Reducing Landslide Disaster Risk.

Indigenous peoples

36. The involvement of indigenous and traditional mountain communities is a prerequisite for sustainable mountain development. They are custodians of natural resources and holders of traditional techniques and practices. The International Network of Mountain Indigenous Peoples met at a workshop in Bhutan from 26 May to 1 June 2014 to discuss responses to the impact of climatic change on their food and farming systems and issued the Bhutan Declaration on Climate Change and Mountain Indigenous Peoples.

37. In an effort to support the livelihoods of indigenous peoples in remote areas of the Chittagong Hill Tracts in Bangladesh, actions are under way to support critically food insecure rural men and women and increase their resilience to chronic and seasonal shocks, stressing the use of an integrated approach that includes the

distribution of agricultural inputs, cash transfers and extensive training programmes on vegetable and fruit production, poultry management, nutrition, food safety and food preparation.

Gender (Goals 4 and 5)

38. Women are often the primary managers of mountain resources, guardians of biodiversity and the main actors engaged in agriculture, animal husbandry and other small-scale economic activities. Mountain women and girls are often left to manage farms and households when men migrate to lowland areas or abroad in search of higher incomes. However, women and girls are often excluded from further education, access to credit, rights to land and social protection policies.

39. The Utah International Mountain Forum hosted the fourth International Women of the Mountains Conference at Utah Valley University in October 2015 to address the critical issues faced by women and children living in mountainous regions across the globe and provide a forum to discuss gender equality. The outcome document contained the following observations:[1]

(a) Goal 5 could be achieved through strong support for improving women's rights and welfare, including women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life;

(b) Successful implementation of target 6.6 could be achieved by supporting the vital role that women play in the protection of the environment and water sources, particularly as custodians of traditional knowledge that builds resilience and allows for adaptation to climate change;

(c) With respect to target 15.1, women play a critical role in joint planning as promoters of innovation, development and cooperation for common benefit.

40. In Kyrgyzstan, the Agency of Development Initiatives, a network of women's self-help groups, is assisting more than 5,000 households in rural mountain areas in improving agricultural production, eradicating poverty, strengthening food security and adapting to climate change.

41. At the Dushanbe Forum of Mountain Countries, held in 2015, participants proposed granting women equal access to water, land and other resource entitlements in mountainous areas and creating a more favourable investment climate to support rural women engaged in the development of small and medium enterprises in mountain regions.

Migration and urbanization in mountains

42. Out-migration from mountains may lead to the abandonment of mountain land management and to the modification of livelihoods. Further attention should be given to the nexus between climate change, food security, water and out-migration.

[1] "The final document of the fourth International Women of the Mountains Conference". Available from www.womenofthemountains.org/images/2015/16-03-31-WOMC-Finalized.pdf.

The fifth report on the state of the Alps[4] tackled the topic of demographic change in the Alps. Through a statistical analysis of data, it was determined that the population of the Alps is neither homogenously increasing or decreasing, but rather is increasing in the most accessible alpine areas and decreasing, albeit not homogeneously, in more remote areas.

Mountain economies and livelihoods (Goals 2, 8 and 12)

43. Economic development in mountains follows a different path from that in lowlands. The greater complexity of the mountain landscape requires a more integrated approach to overcome challenges such as inaccessibility, fragility and marginality and to build upon strengths such as cultural richness, biological diversity, high-quality niche production and traditional knowledge. Commercial and sustainable harnessing of high-value mountain products and services presents a significant opportunity for mountain communities, especially smallholders and women, to improve their livelihoods, generating additional employment and income.

44. An international symposium on the mountain economy, held in Guiyang, China, in May 2014, focused on the interrelated social, environmental and economic components that form the framework for sustainable mountain development. Participants agreed that good governance, strong rural institutions and inclusive policies are essential to strengthening economies in remote mountain areas and highlighted the importance of building upon traditional knowledge, empowering local government authorities and involving local communities in decision-making processes in order to achieve sustainable economic growth.

45. The Philippine Forest Honey Network, a network of mountain-based honey enterprises, has established harvesting protocols and quality standards for honey processing. The Network has published a guidebook on sustainable management of honey for honey consolidators. In 2014, the provincial government of Negros Occidental Province enacted a provincial ordinance on building a green economy and sponsored the Negros Island Organic Farmers Festival, which brought together provincial mountain producers and private businesses under the "Organic na Negros!" producers and retailers association.

46. The Mountain Partnership secretariat and Slow Food are joining forces to promote the use of mountain products to empower mountain smallholders and producers, especially women, worldwide by developing a voluntary certification scheme to brand high-value mountain products as a strategy to boost local economies in mountain regions. Value chain analyses are being conducted in Bolivia (Plurinational State of) and Kyrgyzstan with the aim of identifying bottlenecks and providing solutions. A model will be developed for upscaling in other countries. Similar initiatives are also under way in Panama, Romania and Spain.

[4] Permanent Secretariat of the Alpine Convention, ed., *Demographic Changes in the Alps: report of the state of the Alps*, 2015. Available from www.alpconv.org/en/publications/alpine/Documents/RSA5en.pdf.

Tourism (Goal 8)

47. For services such as tourism, mountain communities represent uniquely preserved ecosystems and traditional ways of life. If sustainably managed and if benefits reach the local communities, tourism-related services such as skiing, climbing, cultural heritage and nature trails can provide an opportunity for development in mountain regions.

48. UNEP is a partner in a project entitled "Innovation in Rural Tourism", funded by the Lifelong Learning Programme of the European Commission. The project aims at developing a set of tools for the development of sustainable tourism in rural areas, specifically in mountainous regions, through a community consultation process and training programmes.

49. At a meeting of the Emblematic Mediterranean Mountain Network, held in Razlog, Bulgaria, in May 2015, the participants, including partners from Bulgaria, France, Greece, Italy and Spain, approved a charter to protect and sustainably develop European emblematic mountains and are planning to expand to other mountain regions.

50. In 2014, the Avalon Historico-Geographical Society implemented a Global Environment Facility (GEF)/UNDP small grants programme project entitled "Ecotourism in central Kazakhstan: conservation of protected area natural resources and creation of economic opportunities in the rural areas".

51. A mountain museum alliance, led by the Museo Nazionale della Montagna (Duca degli Abruzzi) in Turin, Italy, was formed in December 2015 under the auspices of the Mountain Partnership to link the cultural activities of the world's mountain area museums as well as share data and collections.

Renewable energy (Goal 7)

52. Mountains play a key role in providing renewable energy, especially through hydropower, solar power, wind power and biogas, for downstream cities and remote mountain communities. Hydropower currently provides around one fifth of all electricity worldwide, and some countries rely almost exclusively on mountain regions for hydropower generation. In Bolivia (Plurinational State of), Chile, Colombia and Peru, at least 95 per cent of hydropower is generated in mountain regions. In the past three years, Mountain Partnership member Global Himalayan Expedition has been promoting "impact tourism" and setting up solar microgrids for off-grid remote Himalayan communities. To date, the group has been able to provide 10 villages with access to electricity. The group plans to take forward its mission to provide electricity to 40 villages next year and directly impact more than 20,000 lives.

53. The current German presidency of the Alpine Convention (2015-2016) supports the establishment of a virtual alpine observatory and the collection of best practices in the field of renewable energies.

Policy and law

54. Thanks to years of support from the Mountain Partnership secretariat, national mountain committees in a number of countries are developing strategic plans, creating fair polices and laws and implementing sustainable development projects.

55. In 2014, a Mountain Partnership secretariat/FAO project led to the establishment by Argentina, Bolivia (Plurinational State of), Chile, Colombia, Ecuador and Peru of a regional mechanism to address mountain issues in the Andes. The project also aims to improve the participatory management of natural resources in the Andes by strengthening national institutions, increasing political attention and sharing knowledge about mountain ecosystems.

56. A national mountain committee was created by Chile in September 2014. Seven ministers and seven service chiefs signed a decree forming a working group, which aims to advise diverse government institutions on strategies for Chile's sustainable mountain development.

57. The Government of Peru, during a meeting convened in San Isidro in May 2015, approved the formation of a technical group to work on mountains as part of the country's national committee on biological diversity.

58. Mountain Partnership members in Africa are carrying out advocacy on mountain-related issues in the region. Sustainable mountain development was mainstreamed in the first African mountains regional forum, on the theme "Towards a shared mountain agenda for Africa", which was held in Arusha, United Republic of Tanzania, in 2014. The forum outcome document included recommendations that the African Union, the African Ministerial Conference on the Environment and the regional economic communities develop and implement a sustainable mountain development agenda and strategy for Africa; that an Africa regional mountains forum be established to share knowledge, information and policy dialogue; and that African Governments develop and implement mountain specific policies, laws and programmes. The forum also welcomed the initiation of an African sustainable mountain development fund by the Albertine Rift Conservation Society, in collaboration with the Swiss Agency for Development and Cooperation. The next World Mountain Forum will be held in Uganda in 2016.

59. UNEP launched the Africa Mountains Atlas[5] during the fifteenth session of the African Ministerial Conference on the Environment, held in Cairo in 2015. The Atlas includes maps and satellite data from 53 African countries to illustrate the challenges facing Africa's mountain areas. Forest and water resources and initiatives to improve food security and livelihoods of mountain communities across Africa are highlighted therein. On the basis of the Atlas and the mandate of the Ministerial Conference, UNEP, together with the East African Community, GRID-Arendal and the Albertine Rift Conservation Society are currently preparing a report, to be released in 2016, on sustainable mountain development in East Africa in a changing climate.

60. In the Ministerial Conference outcome document,[6] African ministers of the environment agreed to use the Africa Mountains Atlas to take national and regional

[5] UNEP, *Africa Mountains Atlas*, 2014. (Nairobi, UNEP, 2014).

[6] "Cairo Declaration on Managing Africa's Natural Capital for Sustainable Development and Poverty Eradication". Available from www.un.org/en/africa/osaa/pdf/au/ cap_naturalcapital_2015.pdf.

action to strengthen sustainable mountain development by developing institutions, policies, laws and programmes, as well as by strengthening existing transboundary and regional frameworks on sustainable management of African mountain ecosystems.

61. The Ministry of Environment, Ecology, Sea and Forests of Madagascar produced a national framework document in 2015 that aligned the sustainable development of mountain areas with the environmental guidelines in its general national policy. The framework document suggested opportunities for the integration of sustainable mountain development into the implementation of the environmental guidelines and proposed the establishment of a national committee.

62. In Zimbabwe, mountain ecosystems play a critical role in providing water, food and biodiversity, regulating and limiting the impact of variations in weather and temperature and serving as centres for tourism and cultural preservation. Because of the role such ecosystems play in regulating the environment, the Government of Zimbabwe has developed a targeted programme for mountain ecosystem protection. The protection of mountain ecosystems is integrated into national legislation through a specific statutory natural resources instrument.

63. WikiAlps, an encyclopaedia-like platform, provides ready-to-use information about selected territorial development projects of the European Union to support policymaking. The online platform enables easy access to information generated by the Alpine Space Project, a transnational programme of the European Union that aims to promote sustainable development of the Alpine region.

64. In 2013, the European Council invited the European Commission, in cooperation with member States, to elaborate a European Union strategy for the Alpine region that focused on three action-oriented policy areas: (a) economic growth and innovation, to provide equal access to jobs by building on the competitiveness of the region; (b) transport and connectivity, for sustainable internal and external accessibility; and (c) environment and energy, for a more inclusive environmental framework and for renewable and reliable energy solutions for the future.

Education, extension, capacity-building and research (Goal 8)

65. Since 2008, the annual International Programme on Research and Training on Sustainable Management of Mountain Areas has been organized by the Mountain Partnership secretariat, the University of Turin (Italy), FAO and the town of Ormea, Italy, to offer a summer course on sustainable mountain development targeting national government officials, technicians and experts working in developing mountain regions. In 2014, the theme of the course was linked to the International Year of Family Farming. In 2015, the course focused on food security in mountain regions. The theme for 2016 will be on the role of protected areas in the management of mountain resources and diversity.

66. A course on sustainable mountain development, offered in Costa Rica in 2015 and 2016, was developed by the Centro Agronómico Tropical de Investigación y Enseñanza, the Fundación para el Desarrollo de la Cordillera Volcánica Central and the ProalSUR development agency.

67. A distance learning course on sustainable development of the mountain regions of Kyrgyzstan for teenage students from remote mountain villages was designed jointly by the non-governmental organizations Ekois and Yrystan, with support from the Central Asia hub of the Mountain Partnership, for regional mountain stakeholders from Tajikistan and the Altai Republic of the Russian Federation.

68. The Mountain Futures Conference, held in Kunming, China, in March 2016, was organized by the World Agroforestry Centre, with support from the Swiss Agency for Development and Cooperation and the International Centre for Integrated Mountain Development and other partners, to combine tradition and scientific research in order to upscale sustainable practices for the future of the world's mountainous regions. The Mountain Futures Initiative, launched at the Conference, will institute a multi-stakeholder platform for the pursuit of mountain research and the development of sustainable mechanisms for the identification and development of best practices.

69. The Mountain Research Initiative, funded by the Swiss National Science Foundation, the Swiss State Secretary for Education and Research and the Swiss Agency for Development and Cooperation, advances global change research in mountain regions worldwide through focused projects, regional networks and events. In 2014, to address a potential increase in climate warming at higher elevations and to design targeted observational campaigns, the Initiative held a global fair and workshop on long-term observatories for mountain social-ecological systems in Reno, United States of America, to address the state of mountain observation. The Initiative is building a global database and map of mountain observatories and is working with the Institute of Mountain Research of the Austrian Academy of Sciences on the creation of a Swiss-Austrian alliance for the promotion of research on sustainable development in European mountain regions.

70. The highest climate monitoring station in the Baltoro area of Pakistan was installed near the K2 base camp in July 2014 as part of an international monitoring project, promoted by the Ev-K2-CNR Committee, on high-altitude environmental research stations.

71. During the 20th session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, held in Lima in December 2014, the President of Peru, Ollanta Humala, together with the Peruvian Minister of Environment and the Secretary-General of the United Nations, announced the establishment of the National Institute of Research on Glaciers and Mountain Ecosystems.

72. The "Forum Carpaticum 2014: Local Responses to Global Challenges" held in Lviv, Ukraine, from 16 to 19 September 2014, was organized by Science for the Carpathians and UNEP and provided a discussion platform for over 100 scientists as well as practitioners and representatives of government entities and NGOs in the areas of policy, economy, environment and management interested in the Carpathian Mountains. The fourth such forum will be held in Bucharest in September 2016.

73. UNEP, in collaboration with the University of Geneva, has established a scientific network in the Caucasus Mountains region consisting of universities and academies of science in the wider Caucasus area, including Iran (Islamic Republic of) and Turkey. UNEP is also a partner in a project on assessing the impact of

climate change and its effects on soil and water resources in polar and mountainous regions, coordinated by the International Atomic Energy Agency. Finally, UNEP is partnering with major research organizations in a Horizon2020 research project on ecosystem management known as "Ecopotential". In November 2016 the "Caucasus Mountain Forum" will be held in Tbilisi.

74. The Eastern Highlands Initiative was launched in Zimbabwe in 2013 with the aim of focusing research on the eastern highlands of Zimbabwe and adjacent Mozambique through a variety of scientific projects centred on topics such as biodiversity gaps, the eastern highlands in Afromontane biogeography and the historical and current impact of human activities in the eastern highlands.

75. An international conference on the theme "Perth III: mountains of our future Earth" was held in October 2015, bringing together scientists from some 60 countries to present the latest scientific knowledge on global changes in mountain regions.

Advocacy, communications and knowledge management

76. The world celebrates mountains each year on 11 December. As the lead coordinating United Nations agency for the preparation of the celebration of International Mountain Day, FAO works with decentralized offices, Governments and civil society entities in many countries to organize events that raise awareness of the relevance of mountains to sustainable development. International Mountain Day also brings about government action and heightens cooperation at the national and regional levels.

77. In 2013, the theme of International Mountain Day was "celebrating mountain life". In 2014, the theme was "mountain family farming", during which time an event highlighting perspectives on mountains and rural development in a post-2015 world was co-organized at United Nations Headquarters in New York to highlight the role of mountain farming in family farming. In 2015, the theme was "Promoting mountain products". A publication on mapping the vulnerability of mountain peoples to food insecurity was launched at FAO during the 2015 celebrations. The secretariat of the Alpine Convention, together with its partners across the Alps and beyond, organized events dedicated to the reading of modern Alpine literature, on the theme "Reading Mountains".

78. To increase awareness and inspire concrete policy action on sustainable mountain development, the Mountain Partnership secretariat, in partnership with various member entities, issued publications on mountain farming,[7] to tie in with the International Year of Family Farming in 2014, and on mountain soils[8] to mark the International Year of Soils in 2015. The secretariat also produced fact sheets for International Mountain Day in 2013, 2014 and 2015 as well as posters in all six official United Nations languages, disseminated information on the International Mountain Day activities planned by members on the trilingual International Mountain Day website and produced several videos.

[7] Wymann von Dach and others (eds.), *Mountain Farming is Family Farming: a Contribution from Mountain Areas to the International Year of Family Farming 2014* (FAO, Rome, 2013).

[8] R. Romeo and others, *Understanding Mountain Soils: a Contribution from Mountain Areas to the International Year of Soils 2015* (FAO, Rome, 2015).

79. The international peer-reviewed journal *Mountain Research and Development* shares knowledge on sustainable mountain development issues by bringing together research findings and validated development experience.

80. The Swiss Agency for Development and Cooperation, the Centre for Development and Environment and other partners produced a number of relevant publications, including *Mountains: Our Life, Our Future* (2013), *Tourism in Mountain Regions* (2014), *Mountains and Climate Change* (2014), *Green Economy and Institutions for Sustainable Mountain Development* (2015), and *Investing in Sustainable Mountain Development* (2016). The Swiss Agency for Development and Cooperation also produced videos on mountains and climate change and sustainable mountain tourism.

81. The report entitled "Youth participation in the Alps", released by the International Commission for the Protection of the Alps, is the first to provide an Alpine-wide view of the participation of youth in parliaments, institutions and other legal structures.

82. The Aspen International Mountain Foundation, in partnership with the Telluride Institute, has established VERTEX, a website that serves as a platform to engage Mountain Partnership members and other mountain stakeholders in North and Central America and the Caribbean region by facilitating dialogue and exchanges.

83. A week-long celebration of mountains took place during the Universal Exposition, or Expo, held in Milan, Italy, in June 2015. Organized by the Italian Ministry of the Environment, as the Italian delegation to the Alpine Convention, in collaboration with UNEP, the secretariats of the Carpathian Convention and the Mountain Partnership, and the European Academy of Bolzano, the events focused on sustainable mountain development in the context of food security.

84. The second World Mountain Forum, held in Cuzco, Peru, in May 2014, gathered some 200 mountain stakeholders from across the globe to promote concrete action for sustainable mountain development and contribute to multilateral negotiations on the 2030 Agenda and the Paris Agreement.

Partnerships, transboundary cooperation and conventions

85. The Mountain Partnership is a United Nations voluntary alliance that currently includes more than 270 members, including Governments, intergovernmental organizations and major groups. It brings together countries, groups and organizations to work towards the common goal of improving the lives of mountain people and protecting mountain environments around the world.

86. The International Centre for Integrated Mountain Development is implementing a medium-term action plan (2013-2017) comprising six regional programmes promoting mountain-friendly policies and practices. The key features of those regional programmes include:

(a) Adaptation to change: innovative solutions for the diversification of livelihoods and income enhancement opportunities for mountain communities that include value chain development, flood early-warning systems and community water management strategies in Bangladesh, Bhutan, India, Myanmar, Nepal and Pakistan;

(b) Transboundary landscapes: a regional cooperative framework focused on the Kailash sacred landscape, involving China, India and Nepal, for the conservation and sustainable use of natural resources, the setup of social and ecological long-term monitoring and the implementation of an initiative to reduce emissions from deforestation and forest degradation in Bhutan, India, Myanmar, Nepal and Pakistan;

(c) River basins: the management of the regional flood early-warning system in the Ganga, Indus and Brahmaputra river basins through the systematic exchange of data among Bangladesh, Bhutan, Nepal and Pakistan, a community-based flood early-warning system and understanding the nexus between water and food;

(d) Cryosphere and atmosphere: the development of the first-ever comprehensive knowledge base on snow, glaciers, permafrost and glacial lakes in Bhutan, Nepal and Pakistan, improving the understanding of cryosphere dynamics and linkages to international research networks;

(e) Mountain environment regional information system: an information platform for earthquake disaster relief and recovery operations, providing timely and credible information and supporting geohazard assessments by the Government of Nepal and other Himalayan countries;

(f) Himalayan university consortium: the promotion of a network of regional universities to generate high-quality knowledge, capacity-building for young scientists and skills for sustainable mountain development.

87. In a bid to mobilize support and commitment to regional cooperation for sustainable mountain development, the Hindu Kush Himalayan Partnership for Sustainable Mountain Development was endorsed in 2016 by ministers and high-level government representatives from Afghanistan, Bangladesh, Bhutan, Myanmar, Nepal and Pakistan as well as delegates from the United Nations Environment Assembly and the International Centre for Integrated Mountain Development. The Partnership aims to promote a mountain agenda in the context of the Paris Agreement and the 2030 Agenda, particularly Goal 17 of the Agenda, aimed at revitalizing global partnerships for sustainable development.

88. In 2013, the Government of Switzerland launched a programme to promote sustainable mountain development for global change that links aspects of sustainable mountain development to global issues such as water, food security, energy, migration and extreme events. The programme targets four major mountain regions and relies on cooperation with the Centre for Development and Environment, the Albertine Rift Conservation Society, the Consortium for Sustainable Development of the Andean Ecoregion, the Foundation for Sustainable Development in Mountain Regions, the International Centre for Integrated Mountain Development, the University of Central Asia and the University of Zurich.

89. The Protocol on Sustainable Forest Management and the Protocol on Sustainable Tourism to the Framework Convention on the Protection and Sustainable Development of the Carpathians entered into force in 2013. The Protocol on Sustainable Transport was adopted by the fourth session of the Conference of the Parties in September 2014.

90. The Alpine-Carpathian Joint Statement on Adaptation to Climate Change was adopted at the thirteenth Alpine Conference, held in Turin, Italy, in November 2014,

and by the fourth session of the Conference of the Parties to the Carpathian Convention, held in Mikulov, Czech Republic, in September 2014, and was jointly presented within the twentieth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, held in Lima in December 2014.

91. The delegation of Italy to the Alpine Convention, UNEP, and the secretariats of the Carpathian Convention and the Mountain Partnership supported the organization of an international conference to form a network for the Mediterranean mountains and to decide upon starting points and common projects for the sustainable development of mountain areas of the Mediterranean, which took place in Ventimiglia, Italy, in November 2015.

Recommendations

92. The 2030 Agenda and the Paris Agreement provide unique opportunities for addressing the complex and multiple challenges that mountain ecosystems and peoples are facing and call for sustainable development in mountains to be urgently addressed. The General Assembly may wish to consider the following recommendations:

Recommendations related to international processes

93. Recommendations include:

- To renew efforts to ensure that mountain issues are prioritized within development agendas and processes, and integrated into the three Rio Conventions in particular, by building or strengthening specific mountain mechanisms and programmes of work.
- To support the implementation and monitoring of the mountain-related Sustainable Development Goals, including Goals 6 and 15, as well as those goals which have strong linkages to mountain ecosystems and peoples, in particular Goals 1, 2, 4, 5, 8, 10, 12, 13 and 17.
- To promote, where relevant, regional mechanisms for coordinated and integrated transboundary cooperation for sustainable mountain development; support existing mechanisms, such as the Alpine Convention, the Carpathian Convention and the Andean regional mechanism; and promote the exchange of experiences and lessons learned.

Policy recommendations for sustainable mountain development

94. Recommendations include:

- To encourage Member States to include mountain-specific policies in national sustainable development strategies and further consolidate or establish national committees, bodies and mechanisms to strengthen intersectoral collaboration for sustainable development in mountain areas.
- To ensure that marginalized groups, especially women, girls and indigenous peoples, are included in development policy and planning in mountain regions and benefit from social protection schemes and, in particular, that access and agreed rights to land and natural resources are respected and mountain multiculturalism is valued.

- To support education, extension and capacity-building programmes, especially among local mountain communities and relevant stakeholders, to further sustainable mountain development at all levels, building in particular on the experiences of the International Programme on Research and Training on Sustainable Management of Mountain Areas.

Recommendations related to financial mechanisms

95. Recommendations include:

- To increase levels of investment and funding for sustainable mountain development through the involvement of main resource partners, the private sector, foundations and local authorities.
- To encourage Member States to access financial mechanisms such as the Green Climate Fund and GEF to promote climate change action in mountain areas.
- To financially support the newly launched Mountain Facility.
- To explore innovative funding modalities such as compensating suppliers of mountain ecosystem goods and services for doing so in ways that support sustainable development and environmental stewardship.

Recommendations for awareness-raising

96. Recommendations include:

- To support the development and implementation of communications, capacity-building, advocacy and outreach activities for sustainable mountain development at all levels, taking advantage of the opportunities provided annually on 11 December by the International Mountain Day and other International Days, and build upon the outreach potential of Mountain Ambassadors such as celebrities, youth and government representatives to reach to a broader public.
- To support the collaborative efforts of the Mountain Partnership and encourage the further commitment of relevant government, civil society and private sector institutions to the Partnership.

Recommendations for research

97. Recommendations include:

- To support coordinated research efforts and promote the collection of disaggregated data to gain an improved understanding of environmental, economic and social drivers of change affecting mountain regions and endorse the establishment of regional centres and networks to better understand the vulnerability of mountain communities and to provide sound evidence for policy advice aimed at increasing their resilience.